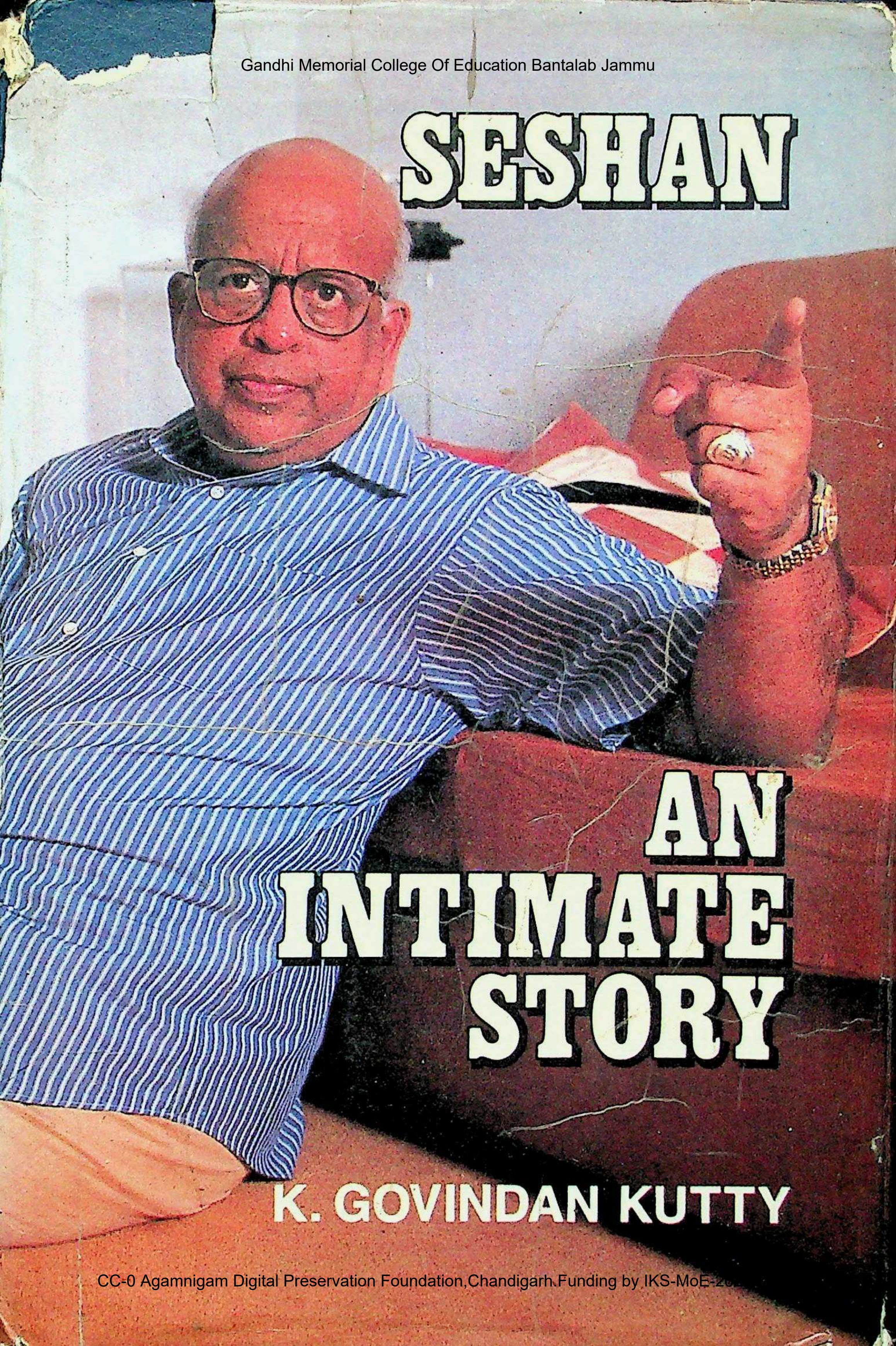


SESHAN

AN INTIMATE STORY

K. GOVINDAN KUTTY

T N Seshan is an expression of India's disgust with its politicians' shenanigans. The people whose name they invoke with compulsive opportunism have suffered them for years, electing them to make laws which they break often as a matter of habit or expediency.

The fraudulence in elections, which are held like periodic political festivals with extreme profligacy, stands now duly regularised. Indian voters have been vaguely aware of this fraud and this hypocrisy of the democratic exercise. If they are intensely conscious of it today, it is mainly because of the effort of one man—T N Seshan. He was once dreaded or derided. He has now emerged as a crowd-puller in a land where that status is usually reserved for politicians, film stars and godmen.

That is a measure of the relevance of his mission, an endorsement of it by the people. The people hear him speak words that have remained unspoken in their minds. As he set about cleansing the system with pathological zeal, he faced ridicule and ribald criticism. The system was out to stop him. There were frustrations and occasional victories. *Seshan: An Intimate Story* is a chronicle of those frustrations and victories.

Rs 250

SESHAN
An Intimate Story

SESHAN

An Intimate Story

G.M. College of Education
Raipur, Bantalab
Jammu.
Acc No......5363......
Dated......19/3/2024

KONARK PUBLISHERS PVT LTD

KONARK PUBLISHERS PVT LTD
A-149, Main Vikas Marg, Delhi 110 092

Copyright © K Govindan Kutty, 1994

Revised Reprint 1994

All rights reserved. No part of this book may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the publisher.

Printed at Gopsons Papers Pvt Ltd, Noida

satyaat na pramaditavyam
dharmaat na pramaditavyam
kusalaat na pramaditavyam
bhutyai na pramaditavyam
svaadhyayapravachanaabhyaam
na pramaditavyam.

Do not deviate from truth
Do not deviate from duty
Do not deviate from self-protection
Do not deviate from well-being
Do not deviate from learning and teaching.

—Taittiriya Upanishad

Foreword

Prabhu Chawla and I were in his room in Indian Express, going over the day's news on a dull August afternoon. Newsfall was scanty. There was but one big break. The Election Commission had put off all elections earlier in the day in protest against the continued recalcitrance of the officialdom. It took us a minute to grasp the full import of that order.

When we realised what it meant, I suggested it would be useful to find out how the Chief Election Commissioner felt after he put out that strange order which could lend itself to a thousand interpretations. As important as those interpretations would be the mood of the man who issued it. We decided to find it out.

The problem was that there was no one around who felt free to talk to T N Seshan. He gave good copy but his relations with newspersons were not as good. A few days ago he had an altercation with an Indian Express reporter in Madras. Its report had duly found a place in the paper's columns.

Prabhu still took a chance. He called Seshan to ask whether he would agree to talk to an Indian Express reporter. Seshan was sceptical. He recalled what had happened in Madras. Finally, he agreed—with a veiled warning: whosoever the reporter was could find out for himself how the meeting would go. I found out.

Seshan was not as difficult as he had, perhaps with an effort, made himself look. He had a story to say. And he said it, never for a moment allowing the air of formality to clear. Not for once did he use a word of the language in which I am at home, which he knows well. Yet the meeting served its purpose. We had a story.

The next morning, when I rang him up, not quite sure how he would have taken it, Seshan said I had been "more than fair" to him. We had not meant to be unfair. That comment was still unexpected. One thing that influenced it was, I guessed, Seshan's feeling that newspaper reports about him had been usually written without empathy.

There was then, or for a long while after, no idea of writing a book like this. The idea came from Konark's K P R Nair. He and I were one day discussing a possible book on the violence and greed in Buddhism. I had come to know some monks. Their passion for resources, their pranks and their well-advertised superstitions about which all of them were not exactly serious amused me. Some police officers, whose unusual brief it was to study the esoteric ways of monks, and I had found enough in them to laugh over.

It was Nair's suggestion that we do, if possible, first a book on Seshan. When the idea was presented to him, Seshan thought for a moment and asked who would do it. Nair said nothing that pointed to any particular name. Seshan then turned to me and asked whether I was willing to "undertake that responsibility." That was when this book was born.

Some weeks went by before we began to work together. When we began, it was an intensive exercise, an intense experience, with Seshan going back to the highways and alleys of memory. Our sessions often went on till late in the night. What used to upset us both, him more than me, were the phone calls at that odd hour, which he insisted on taking himself.

As I became a regular, almost daily, visitor to his house, the peons who strutted about like shadows and the policemen who always wore an uncomprehending look began to recognise me. I should thank those nameless people who are the uncelebrated participants in our election drama. Whom I need not thank is hard to decide.

Durga Datt was always available to help me understand the behaviour of computers. Ajit Ninan was happy to provide one of his numerous Seshan cartoons. Hemant Mehta took it almost as a privilege to take some pictures for us. Dushyant Parasher worked on this book's cover as a prestige assignment. V C Jain and Dharamveer did a lot. There are so many of them who made this book possible. I thank each one of them.

This book is dedicated to the faceless Indian voter who is yet not aware of the enormity of the fraud committed in his name—for him, allegedly.

K G K

Contents

Foreword vii

1. The End of a Sentence 1
2. A Stint of Non-work 18
3. Security Matters 32
4. Stars, be Sentinel 49
5. Where Vilwams Grew 60
6. Portrait of a Jockey 73
7. A CIA Game 85
8. Laughing Waters 96
9. Report on a "Bully" 106
10. An Affair with MGR 115
11. Green Concerns 124
12. Farewell to Gods 134
13. A Brush with BJP 145
14. Wages of Postponement 156
15. Cry, the Beloved Country 172
16. No Holds Barred 184

17. The Ultimate Order 195
18. An Abortive Ambush 207
19. A Role Model Emerges 218
20. A Bill Named Seshan 230
21. Afterword 249
Appendix 1 251
Appendix 2 276
INDEX 283

1

The End of a Sentence

Thirty minutes past midnight is not an hour a Union Minister usually chooses to call on a friend, never one who ranks lower than him in the hallowed official hierarchy. But Subramanian Swamy is an unusual man. He does not allow protocol to bind him when it should not. So is his friend to whom he thought he owed a nocturnal visit that day. He can be inordinately severe. Their relationship is unusual too. Subramanian Swamy, who was the Union Commerce Minister for a few months in 1990-91, and T N Seshan, who was a Member of the Planning Commission, knew each other better than as a minister and an official.

Seshan had been Swamy's student more than a score of years ago. When they first met in their younger days in Harvard's campus, Swamy had a name as a brilliant teacher. As brilliant as was that young IAS officer who had gone to United States on a sabbatical for a year. The student-teacher relationship soon changed, growing ever more intimate, Seshan often playing the host and a famished Swamy the guest. The teacher, much as he enjoyed Harvard's environs, never liked any Western cuisine served in American restaurants or Harvard's campus canteens. He would often be an unannounced guest at his student's flat, where curd rice and pickle, a south Indian brahman's chronic weakness, would always be ready.

As a maverick Swamy forayed into politics in later years, changing parties and alliances with amazing agility, Seshan who had risen to the top rungs of administration remained a loyal friend. No protocol therefore deterred Swamy, who had Law also as his portfolio, when his wife Roxana, his Parsi lawyer wife, drove him down to Seshan's residence on neem-lined Pandara Road on that night. Pandara Road is New Delhi's quietest colony. The creeping cold of the winter night made it still quieter on December 9, 1991.

Delhi had gone back to its empty dreams when Roxana and Swamy descended on Seshan for what looked like something a trifle more important than late night banter or a plate of cold vattalkozhambu, a favourite delicacy of the two unlikely friends. The Law Minister had somewhat of a promise to extract from the Planning Commission Member, a usually implacable, even impossible, man. The teacher-turned-politician was confident. One thing he never lacked was confidence.

The old student had just switched off one of his several video cassette players, after watching a jugalbandi on violin and sarod by two great maestros, Lalgudi Jayaraman and Amjad Ali Khan. He had missed it when it was telecast as a Spirit of Unity concert, a regular musical programme devised by an organisation of which he was also a patron. It was a highly recommended viewing.

At the end of a dreary spell in office and drawing rooms where he had to indulge in obligatory banalities, Seshan felt that programme would do him good before he slept. Music had always been his medicine for a whole lot of afflictions. So he let the waves of Jayaraman's violin and Amjad Ali's sarod bathe him on that chilly December night. After a hectic day of her music lessons, Jayalakshmi, Seshan's wife, had already lapsed into sleep when the door bell rang.

The ring was not entirely unexpected. There was a word from Swamy earlier in the day that he would look up Seshan at night to make an important announcement. Swamy had returned to New Delhi only the previous day from Brussels where he was involved in discussions on

Trade Related Intellectual Property Rights and Trade Related Investment Rights. Before his seemingly interminable jamborees began, or at the end of a tiring day, Swamy would ring up Seshan at every conceivable odd hour from his hotel room in Brussels.

The talk would turn into banter or a long bout of argument, always prolonged. Seshan would try to be short and matter-of-fact, conscious of the cost of the long-distance call but Swamy was not used to beginning his conversation without long introductions and ending them without long conclusions. As Prime Minister Chandra Shekhar's trusted cabinet colleague and Seshan's best friend, Swamy had taken upon himself the task of finding a suitable job for his old student. The refrain of all calls was that Seshan would be made the Prime Minister's Principal Secretary.

Seshan has no patience for repetitions and reminders. He assumes that others are, like him, intelligent enough to understand things when stated once. He abhors reminders. Repetitions would put some people to sleep. They always irritated Seshan. When repetitions and reminders came from people who were not close or above, he would be angry, visibly. Swamy's self-same proposals were not exactly tantalising; they were annoying. Once when his old teacher phoned, Seshan was curt: "We have gone over this several times, Swamy. Let us not waste money on pointless phone calls. You issue the order and I will join."

That flash of annoyance made Swamy cautious when he went to Seshan the day after he returned from Brussels. This time he would better be specific and speak with finality. As soon as Roxana and he were ushered in, Swamy was out with his news, skipping all those long- winded introductions which he would have normally employed with delight. He had come, he said, not merely as the Law Minister but as the Prime Minister's emissary. That was intended to make himself sound more serious than he could possibly be. Seshan rubbed his sleepy eyes and yawned.

Roxana and Jayalakshmi looked on with idle curiosity, for a moment, when the Law Minister said Seshan was being appointed the Chief Election Commissioner. Seshan was not excited. Nor surprised. There was nothing new in Swamy's offer. It had come from another quarter earlier. Vinod Pande, Seshan's successor as the Cabinet Secretary, had made that proposal a few days ago. Pande could not have done so without Prime Minister Chandra Shekhar's instruction.

When Pande rang up to ask whether Seshan would agree to be the Chief Election Commissioner, there was an inaudible ring of irony. Pande who was offering a job to someone else was himself on the chopping block. Yet Seshan's reply was: "Vinod, are you mad? Who wants this job?"

When that offer was made back again, this time by the Law Minister himself with such apparent finality, Swamy saying he would not take a "no" for an answer, a reticent Jayalakshmi was the first to speak. She had never before cared to know what job her husband was doing—or not doing. The changing course of her husband's career hardly interested her. Its ups and downs did affect her moods but she never ventured an opinion. She knew Seshan knew best.

But that December night was different. Jayalakshmi had a viewpoint. Whatever decision was to be taken then would involve not only Seshan's career but her own plans too. She had seen him pass through frenetic spells of official chores and lapse into a state of comparative irrelevance. She had not spoken a word even when she was agonised or alarmed. She knew Seshan knew best. But this time round she had to speak up her mind. And she spoke even before Seshan revealed his mind. "Why not leave us alone now?" she asked Swamy whom she had known as closely as a brother.

She was all set to leave Delhi for good. Seshan had less than one month to retire from the Indian Administrative Service which had taken thirty-three years of his life. Their house in Madras had been got ready for them to stay after his retirement. They had not lived in that cosy place on St Mary's Road for much longer than a year after it was built when they were young. It was always meant for tenants to live, as it were. The tenant had now been persuaded to move out. Jayalakshmi was all set to get back to Madras, packing off or disposing of for good all their possessions in New Delhi. She had even mentally prepared a travel plan.

The prized possessions were an assortment of electronic gadgets which Seshan loved to accumulate, not so much to use as to see around him. Several codeless phones lay in disuse in a store room. There were four television sets though not one was operated for more than two hours a day. Stereo recorders were there on every other table or cupboard. The fountain pen collection was legion. Children who visited him would get pens as gifts, his own preference being an ordinary ball point pen. He wore a watch, not a particularly impressive one, as a talisman of adulthood, leaving scores of wrist watches of all brands unused in his cupboards. Collection was his passion, not use. There were all these and more to be disposed of before moving to Madras.

The culture of the capital was also wearing them both out. Seshan was perpetually irritated by Delhi's winter which required him to wrap himself in thick layers of clothes. He liked to put on just enough dress to announce that he belonged to the new world of civilisation. Heavy clothes choked him; ostentatious dress made him feel beside himself. Time was when he would wear nothing but white shirts and trousers. Delhi changed it in 1985. Winter was unkind. It became oppressive when Seshan had to cloak himself in all kinds of woollen wear.

Delhi had a devious face too. He would curse his tribe and the capital's elite when Jayalakshmi brought tales of pettiness from her music classes. In those classes, she taught and learnt an invocational style of reciting hymns and epics and songs of devotion. She would mingle with everyone without so much as asking what her husband's designation or rank was. The wives of stenographers, secretaries and Supreme Court judges attending her classes often liked to be seated in accordance with the ranks of their husbands. She never allowed it. She and Seshan had enough of all that snobbery.

There was no great need for money. Seshan's pension and the rent Jayalakshmi's house in Bangalore would bring should more than meet their simple needs. No one needed their support. Between them, Seshan and Jayalakshmi had learnt to do all the household work, cooking and cleaning and washing, never being precariously dependent on truant maidservants. They had just enough to be on their own, without money earned from a job. The capital's rat race was no longer worth it. Jayalakshmi spoke up, unusually, when her plans to move out of it looked being upset. Swamy's offer was throwing a spanner in their plans. Why this offer now?

The offer was somewhat of an order. It had a ring of inviolability Seshan could not resist. Their confabulations went on till late in the night. The loquacious Law Minister held forth on how keen Prime Minister Chandra Shekhar was to make use of Seshan's services suitably. The suitable post Shekhar had finally found for him was that of the Chief Election Commissioner. Seshan was not particularly amused when all those nice things were said about him, in Shekhar's name or as Swamy's original contribution. Did they really need his services?

Shekhar needed someone badly to fill that post after he had messed it all up by appointing Law Secretary V S Ramadevi as the acting Chief Election Commissioner. There was evidently no one to tell him that it was a constitutional gaffe on his part to put the Law Secretary in additional charge of the office of the Chief Election Commissioner. The Chief Election Commissioner, as the Constitution envisaged it, should be independent of the executive so as to ensure the fair and impartial conduct of elections. The decision to put the Law Secretary in additional charge of the office of the Chief Election Commissioner was thus a patent violation of the spirit of the Constitution. While correcting it, Chandra Shekhar wanted to do what he thought was a good turn to Seshan too.

It took well over two hours for Swamy to present his case. Jayalakshmi's protestations and Seshan's queries prolonged his presentation. When he left, it was close to three o'clock in the morning. And when he did, he had achieved something Seshan himself had thought was impossible. The Law Minister had made him commit that he would make up his mind by the next evening. The deadline was close. Seshan never lets a deadline overtake him. Whatever he has to do will be done well before the deadline.

Swamy was bubbling with a sense of achievement when he left with Roxana who hardly said anything in those two noisy hours. Jayalakshmi, sensing a forced change in their travel plan, went up to have an hour or two of sleep. She had to get up, as usual, by five in the morning, long before the sun woke up. As she was on her way to the bedroom, Seshan picked up the phone, almost by a reflex action, and dialled. For him, it was to be a sleepless night.

Not that it mattered. He could make do with much shorter sleep than most others. Sleep was always light, broken by the slightest sound or movement. He had a subconscious urge to be vigilant, whether awake or asleep. When he woke up, whatever be the hour of night or day, he was ready to work. Work could seldom wear him out. He had a brimming energy which needed to be deployed in some intellectual pursuit or the other.

That night, skipping sleep, he had a man to consult. And take a decision. The deadline was close.

The man who answered Seshan's call a few kilometres away was a sleepy Rajiv Gandhi. That night he had retired rather early. He had got used to late hours no less than Seshan. The habit formed when Gandhi was the Prime Minister could not be changed. Even as the Leader of Opposition, there were enough things to keep him awake for the best part of the night. Yet the former Prime Minister was not a little surprised by his former Cabinet Secretary's phone call at that unearthly hour. His request was even more baffling. Seshan wanted to see Rajiv Gandhi straightaway or early next morning.

"Nothing doing. You can't see me before tomorrow evening" was Gandhi's reply. He made an effort to sound firm and put Seshan off. Never given to elaborate niceties or repetitions, Seshan withdrew his request, readily, though without concealing his impatience. He would meet his former boss right then or perhaps never for that purpose. He had a decision to take before the sun set the next day. He did not say so but merely noted it mentally once again. Before he took that decision, he had two or three people to consult. It is rarely that Seshan feels he should take a second opinion on any matter that comes up before him for final decision. This was one such rare occasion.

A moment passed. Gandhi guessed Seshan had something important on his mind, something that could not possibly wait. Feigning annoyance over Seshan's insistence, Gandhi shouted on the phone: "You are a rascal." "Yes, sir," Seshan accepted the compliment. He could, when he felt like, put on a deceptively humble and docile countenance. Taking that affectionate compliment, Seshan considered for a moment whether he should thank his former boss and hang up. He paused.

He had known Gandhi's ways and moods long enough to know that such initial shows of firmness were only a prelude. He would eventually yield. And then, as Seshan had expected, Rajiv Gandhi said as an afterthought: "Come along. Now. I mean now." The night was losing its hold. Without so much as saying the usual words at the end of a conversation, Seshan drove off to 10 Janpath. Delhi was lost in its empty dreams. A solitary car, now and then, disturbed the cold peace of its roads.

Gandhi was one person whom Seshan felt obliged to consult before accepting or rejecting the offer the Prime

Minister had made through his Law Minister. Chandra Shekhar's government was, after all, exclusively dependent for its survival on the support of Rajiv Gandhi's party. If the Congress willed, that government of which it was not a part, might last. Otherwise it would fall like a pack of jokers. It would therefore be impolitic to accept an important offer from the Prime Minister without knowing the mind of the man who made that government possible.

When Seshan drove up, Rajiv Gandhi was waiting in his drawing room, surprise and curiosity mounting. Their conversation was to last, as Gandhi had fixed it earlier, five minutes, no more. As they talked, several minutes went past the deadline. Gandhi felt that the air of formality had to be dispelled and called out: "The fat fellow is here. Will you give us some chocolates?" Chocolates are one of Seshan's weaknesses. He had grown up eating cadbury toffees as the youngest of his parents' six children. Rajiv Gandhi too enjoyed his chocolates, the best of them, foreign or indigenous. That night, Seshan ate more, as he spoke, almost as a monologue.

One question lingered in Rajiv Gandhi's mind. Why was the new regime offering this job to Seshan? Nothing better? But then nothing better might be readily available. He did not like to see his former Cabinet Secretary idling in the Planning Commission where he was serving, as it were, somewhat of a sentence. There had to be an end to that sentence. The earlier the better. Through that process of argument with himself, Gandhi reached a conclusion: Seshan should take the job. It was a reluctant consent.

Reluctant or resolute, Rajiv Gandhi gave his opinion as Seshan was saying good night, not yet sure what he should tell Swamy when he rang up for his decision within a few hours from then. At the end of their hour-long discussion, which produced no firm decision, Rajiv Gandhi opened the door for Seshan, as he usually did when the two of them met, and said with a note of mischief: "The bearded fellow would rue the day he made you the Chief Election

Commissioner." It was but someone else who really was to rue that appointment later.

Rajiv's half-heartedness made Seshan wary. So he started a wide range of consultations. First it was with President R Venkataraman who had long been his guide and philosopher of sorts. Seshan was a junior officer in Madras years ago when Venkataraman was his minister. Ever since then Seshan had turned to Venkataraman in moments of indecision. If his regard for the former President ever tended to flag, it was after the publication of his "My Presidential Years". What Venkataraman said of Rajiv Gandhi was not what Seshan had ever thought he would say. He felt sad and pitiful. But his reverence toward Venkataraman was unsullied when he went to Rashtrapati Bhawan early morning on December 10, 1990 to seek the President's advice—in his personal capacity. Venkataraman's advice was like Rajiv Gandhi's. Neither was quite enthused by the new assignment offered to Seshan.

It was becoming hard to decide what was good and what was bad. Confusion seldom assailed Seshan. Two people whose views he valued were not wholehearted in their consent. The third person to whom he turned was his elder brother, T N Lakshminarayanan, in Madras. Lakshminarayanan had retired as an IAS officer after serving a short term as advisor to the Governor in Kerala and later in Madras. He had no doubt what was good for his younger brother: Reject the new offer and return to Madras to lead a quiet life away from New Delhi's power politics.

Jayalakshmi's father, R S Krishnan, had a different prescription, quite different from what his daughter desired. Krishnan had retired as a distinguished physics professor in the Indian Institute of Science in Bangalore. As a young researcher, he had worked with C V Raman. He had a legitimate claim to the directorship of the prestigious institute. He gave it up after nearly proving it. He did not need it; he merely wanted his right recognised. Years later, Krishnan had a stint as the Kerala University's vice-chancellor.

When Seshan's call came, Krishnan gave no view offhand. The self-effacing scientist went on his inseparable moped to his family astrologer in the Shiva temple in Malleswaram for consultation. The star-gazer's prediction was quite different from all others'. And Krishnan and Seshan, himself a self-trained astrologer, would never brush aside the Shivan Kovil priest's words. As he saw it, Seshan would not be able to reject the offer even if he wanted to do so. And, after accepting that offer, he would find himself steeped in controversy from day one. That was what stars willed. There was no escape.

Seshan's final court of appeal, his "supreme court", as he would put it, was the late Paramacharya of Kanchi Kamakoti. His word was truly law. There would be no argumentation, no consideration of pros and cons. The decision would be made for him by the sage in a flash of intuition. Seshan called a friend in Kanchi to seek the Paramacharya's advice. He had to hurry up. The deadline was close. The sage was sick, hard of hearing. The message from Seshan, seeking his advice, had to be written down on a board in big letters for the Paramacharya to read. He looked hard at the message and mumbled in Tamil: "romba gauravamana velai." The advice was unhesitating. That was the only positive advice: "It's a very important job. Let him take it."

Doubts vanished from Seshan's mind instantly. He dialled Swamy, six hours before the deadline he had set, and asked for the orders. Two days later, On December 12, 1990, Seshan walked into Nirvachan Sadan without an inkling that he was beginning the most tempestuous phase of his career. The words of the Shivan Kovil priest had dissolved in a distant corner of his mind. But the priest was right. Controversy started from the beginning of the beginning. Rajiv Gandhi was right too. Many people, though not necessarily Chandra Shekhar, were to rue the day Seshan was made CEC. No Chief Election Commissioner had ever before inspired such intense love and hate and admiration in the public mind.

Seshan might well have ended up serving as a Governor. Or the Prime Minister's Principal Secretary. Or the Planning Commission's Deputy Chairman. Or the Cabinet Secretary. Chandra Shekhar and Swamy were determined to put Seshan's talent to use. The first offer came from Shekhar himself. The night before he was to be sworn in as the Prime Minister, Shekhar asked him to come over to his house in South Avenue. Shekhar was becoming the Prime Minister as the leader of a non-party. No one with such little support had ever been catapulted to such a powerful position before. He was looking for political and administrative support from wherever it was available.

The Prime Minister's proposal was that Seshan should take over the top job in administration. That meant the Cabinet Secretary. Seshan was not excited by the prospect of rehabilitation in a post he had held for less than a year. It would not be good, he felt, to make a retiring man the Cabinet Secretary. In the normal course, he had barely two months to retire. Seshan was not keen when principal secretaryship was offered either. In any case, B G Deshmukh was already in position in the Prime Minister's Office with a three-year tenure. And, Deshmukh did continue under three Prime Ministers.

Seshan's final argument merely brought a dismissive laughter from Shekhar whose confidence in himself was no less than Seshan's. The excuse of the wily bureaucrat was that he was a difficult person to work with. Many politicians and officials had found it almost impossible to work with him. Shekhar knew he was unlike others. He was convinced that he could turn difficult situations into easy opportunities. He would have no problem working with Seshan. Yet they could not hit it off eventually.

The new regime's plan to give a gubernatorial gaddi to Seshan was conveyed to him when he was in Rashtrapati Bhawan, an unlikely place for such matters to be discussed. The subject was broached by a still more unlikely person: President Venkataraman. The President said Chandra

Shekhar was wondering whether Seshan could be sent to Assam as the Governor. RV's own opinion, which Seshan solicited in an extraordinary personal capacity, was that he should not take it up. At Seshan's insistence, Venkataraman agreed to see that the Assam assignment would not be foisted on him. Then it was Punjab Governorship. Seshan would not take that too.

These offers had an irritating regularity. Three of them came between November 10 and 27. It was becoming clear that Seshan was going to be caught in the vortex of events beginning with the predictable collapse of V P Singh's Janata Dal regime which was precariously dependent on the Left Front and the Bharatiya Janata Party both of which had offered it support from outside. Seshan who had a raw deal during those Janata months of 1989-90 should have seized with alacrity any opportunity that would have given him a degree of national relevance. Alacrity was what was absent.

On the morning of November 28, Seshan's phone rang threateningly. The caller was Prime Minister Chandra Shekhar. The message was that Seshan should become the Planning Commission's Deputy Chairman. And, this time round, he should not say "no". Seshan dreaded the claustrophobia of Yojana Bhawan, the Planning Commission's headquarters. He had spent the idlest period of his career there. He was anxious to get out of that place, not to be elevated from the Commission's membership to deputy chairmanship. So that proposal was also out. If Seshan became eventually the Chief Election Commissioner, Shekhar should thank Kanchi's Paramacharya. Or curse him. Had not Rajiv Gandhi said that the "bearded fellow" or someone else later would rue the day Seshan was made CEC?

Why were Shekhar and Swamy so insistent that Seshan should work with them in one capacity or another? Was it a tribute to his extraordinary administrative acumen? Or did they intend to do a good turn to a distinguished officer who had been given a raw deal by the previous regime? Could it be that Shekhar was advised to keep on his right side a person who enjoyed the trust of Rajiv Gandhi whose political munificence was what kept the new regime alive as long as it lived? All this might have well weighed with Shekhar. And something more.

Shekhar and Seshan were not exactly on intimate terms when V P Singh's outfit collapsed in November 1989. They had just known each other. When the Bharatiya Janata Party withdrew its vital support to the National Front's government in the wake of the forcible stoppage of L K Advani's rath yatra to Ayodhya, it was up to Rajiv Gandhi to opt for an immediate election or prop up an interim ministry in preparation for the polls. Any such regime put together out of the shambles of the fallen government of the National Front was apt to be an unnatural political phenomenon. What followed in the event was also a short political pantomime but it did indeed help Shekhar achieve his old ambition of becoming the Prime Minister of India.

Much as he would often quote for his own benefit the Bhagawad Gita's gospel of dispassion, Seshan was rather excited during the days of the fall of the National Front's government. There was no craving for revenge or expectation of a new stint of relevance. Yet Seshan felt excitement coursing through his veins when V P Singh was on his way out of the office where he had landed just a year ago in an atmosphere of political hysteria.

In that frame of mind, he readily agreed one day to accompany Swamy to Shekhar's so-called ashram in Bhondsi on the capital's outskirts where he was meditating over the ways to achieve political fulfilment. Seshan who had never before played politics in all its nakedness was for once being drawn into Swamy's and Shekhar's political plans without his knowledge. One asset of his they valued was his intimacy with Rajiv Gandhi.

When V P Singh fell, Rajiv Gandhi was to be approached and persuaded to prop up a new regime. Shekhar and Devi Lal were contenders. Gandhi would not touch the kisan leader from Haryana. Nor was he particularly fond of the "bearded fellow". Yet the Congress leader had his own motives and designs. An interim regime, which was to crack in the process of constantly adjusting and readjusting itself to the whims and designs of a larger political force that kept itself out of office, would have seemed to enhance Rajiv Gandhi's relevance once again.

Years ago his mother had done something like that when she allowed an ambitious Charan Singh to become the Prime Minister with her support and then withdrew it when he needed it most, discrediting him so decisively. Raj Narain, who had defeated her in Raebarelli in 1977, rushed to her younger son for secret parleys with pleas for support. The extension of support and its abrupt withdrawal made her detractors look clumsy. It provided a foil to her and her party when she went to the polls a few months later. She was leaving a lesson to her son through her victory.

Chandra Shekhar was to provide, Rajiv Gandhi knew, such an opportunity to him. Shekhar did not mind that as long as he had his life's ambition fulfilled, if for a short while.

It could have all been different, if Swamy were lucky. He might well have earned the status of a former Prime Minister, sitting in the top political gaddi for a couple of dark months, just as Chandra Shekhar did. Rajiv Gandhi did not seem to prefer anyone to another in that political pack which was queuing up for his support. He made his mind clear one day when Swamy dragged Seshan to his residence. Devi Lal was long out. Swamy was planning to press Shekhar's case hard once again. The aspirant was waiting in his political ashram.

Gandhi was rather amused. He was speaking in a tone of levity. There was enough political tamasha around to make him laugh. Why was Seshan interested in Shekhar? Why did he want to see the "bearded fellow" as the Prime Minister? Seshan was embarrassed. He had never before participated in anything remotely related to a political operation. He had no special reason to give for his present mission to Rajiv

Gandhi. All that he could say was that Shekhar might just fit the role if Rajiv Gandhi had plans to have an interim Prime Minister. Doubts lingered in the Congress leader's mind.

Then he came up with a proposition Seshan had least expected. Nor was Swamy ready for that unthinkable idea, an idea that had not crossed even his mind where ambition reigned supreme. Why not make Swamy the Prime Minister? Swamy, who knew more than anyone else that he had no mass support to match his Machiavellian talents, was not yet ready to see himself in the Prime Minister's garb. Still less had he dreamt that the man who could perhaps put that mantle on him would ever make such a suggestion, even in jest. That was precisely what was happening right before him.

Swamy had trouble deciding whether he could trust his ears. Thoughts left Seshan for a while. Whether Rajiv Gandhi was making that proposal in all seriousness or whether he was pulling a fast one on Swamy is an imponderable. The impression Seshan got was that Rajiv Gandhi had reservations about Shekhar and therefore that proposal about Swamy might not have been entirely jocular. The Congress leader might have been trying, in some esoteric manner, to say that there was very little difference between them, that he would well opt for one who had been more useful, who could serve his purpose better. In any case, Seshan could not run away from answering Rajiv Gandhi's question.

He was quite clear about the role Swamy could play and the responsibility he could hold. He had never before thought of his good old friend as prime minister material, whatever else he could be. Seshan did not hesitate for a while when he faced the question that could have been a turning point in Swamy's career. His opinion was blunt. "I don't think, sir, Swamy is yet mature enough to be the Prime Minister."

Seshan's words stunned Swamy who had just heard something incredibly delightful from Rajiv Gandhi. What could have been his life's greatest delight was being dashed right before him, by none other than his old friend and student. He found his words failing him.

As it happened, no one later took Swamy's case seriously. Shekhar got the job, Rajiv Gandhi taking a couldn't-care-less stance. An indignant Swamy was to go about later saying that it was Seshan who marred his chances of becoming the Prime Minister. Few believed him. Maybe because Swamy disbelieved himself at that point of time, recognising the absolute unrealism in Rajiv Gandhi's move to make him the Prime Minister, he still liked Seshan. His campaign against his old student was to begin with a heavy dose of vitriol in later times.

It would be laying too much of blame on Seshan for bludgeoning Swamy's chances, just as it might be giving too much of credit to him for Shekhar getting the job. Yet Shekhar knew, as well as Rajiv Gandhi, where Seshan stood. His services would be useful in the game of governance and survival.

When Shekhar became the Prime Minister, he could not have possibly allowed Seshan to graze in the dry pastures of the Planning Commission. He was made CEC, an office no one had till then imagined could make its holder one of the best known figures in the country, inviting wrath or reverence but acute attention all the same. Wrath took the extreme form of an impeachment move by the National Front. Adulation made some people in Tirupati in Andhra Pradesh set up a Seshan Fan club.

2

A Stint of Non-work

The new assignment as the Chief Election Commissioner meant one significant thing to Seshan: the end of his sentence in Yojana Bhavan. He had served that sentence already for one year. He was to serve it as long as he remained in service. It began to take hold of his innards like a persisting urge for revenge. The end of that oppressive sentence was what was really important. The new assignment also gave him a new lease of six years in office which, though, he was not looking for. More, it placed him often in the eye of controversy where he never felt uncomfortable.

The sentence was to end, in the normal course, uneventfully when he retired from the administrative service. There were just two months left. Usually Planning Commission Members are given a five-year term, all of them chosen on the basis of a political policy. If the government which chooses them lasts its term, they also serve as long. Otherwise they go away quietly, long before their tenure ends.

Seshan had a different deal. His term was co-terminus with his government service. Whether the government which sent him to Yojana Bhavan ran its full term or ran away from office in a huff, he was to go in a year, four years earlier than others who joined with him would normally have to go. That others who were made Members along with him went, ironically, even before he was to retire is a different matter. They had to abdicate in the wake of the fall of the government which appointed them. Politics is amusing because of such ironies.

Seshan was being dumped, yes, that was precisely what was being done, in Yojana Bhavan in December 1989 without his knowledge, let alone consent. The new government of V P Singh did not want to give so much as a hint to the high-profile Cabinet Secretary that it did not want to have him anywhere visible. Rajiv Gandhi's Cabinet Secretary could not have been entitled to the luxury of a word about the humiliation that awaited him.

When V P Singh who donned the Prime Minister's mantle after a raucous election, Rajiv Gandhi failing to renew the mandate he had won so massively five years ago, it was well-known that Seshan's big head would be on the chopping block. The new Prime Minister kept him for a few days, only to bide time while new posts and people were being found. Someone had warned that Seshan should have no prior information of his new assignment. The man was not predictable. His orders had to be so served as to give him no chance to think of some ways to scuttle them. The first and only hint of it came when Ramakrishna Hegde, the new Deputy Chairman of the Commission, summoned Seshan for a brief chat. The hint was indirect. Hegde had made over the years a successful cult of his value-based politics, until, that is, Subramanian Swamy took it upon himself to explode that image of probity. The glamorous Janata Dal leader who, years later, acted the role of a chief minister in a Kannada film after he lost his political gaddi, had been elected to the Karnataka Assembly. But he enjoyed being the Planning Commission's Deputy Chairman even as he remained an MLA, igniting a controversy. Long afterwards, Seshan was to sit in judgment over that controversy in his capacity as the Chief Election Commissioner but that is a story to be told later.

When Hegde sent for Seshan in early December 1989, what he asked, so politely and so affectionately, was whether Seshan would like to take a gubernatorial assignment. Such a ceremonial position was what many a retiring official who could make the government feel obliged to him hankered after. Politicians left out in the cold also enjoyed a stint in Raj Bhavans which serve only two constitutional purposes: to create a tepid row now and then and to drain the exchequer. Hegde was apparently probing whether Seshan would be thrilled by such a sinecure slot. He had not quite known the man.

The Deputy Chairman was clearly not bothered about what job was going to be given to Seshan. He merely wanted to know if Seshan would accept something other than the Commission's membership so that it could be given to a favourite from Bangalore. Hegde had someone like A K N Reddy of the Indian Institute of Science in mind. That did not happen in the event. There was Seshan to be installed somewhere. And Seshan was not keen to be a Governor. He was not looking for a job but work and work alone.

Then the despatch rider came one day with what looked like the usual bunch of files. He had come with just one envelope. He had come to break Seshan the news of Seshan's ouster from cabinet secretaryship. The rider could not have guessed the content of the envelope he was delivering to the man who was still the Cabinet Secretary. The hour was odd: 11:30 p.m. on December 22, 1989. Seshan guessed the nature of the message when the unsuspecting rider handed it to him. The order of ouster by itself did not upset him. Something else, someone's misdemeanour, slightly did.

Prime Minister Singh did not think it necessary to have a word with the man who was the government's principal official as of then before bundling him out. Nor the Prime Minister's Principal Secretary, B G Deshmukh, to whom Seshan was an understudy before he became the Cabinet Secretary. Deshmukh had enjoyed Rajiv Gandhi's confidence just as Seshan did. They had good relations but

Deshmukh did not feel free or necessary to tell Seshan what was about to be done to him. Nor Vinod Pande who succeeded him as the Cabinet Secretary. It was indeed not useful to share bits of personal information with him when he was fast on his way out into the limbo of officialdom.

Pande had been a good friend. He still is. Their common interest is astrology. Who could divine the moods of stars better has been a matter of dispute. When Rajiv Gandhi shifted Pande who was then the Revenue Secretary as the Rural Development Secretary in the aftermath of the scandal of Fairfax, a foreign investigation agency deployed to probe the accounts of Indians abroad when V P Singh was the Finance Minister, the two astrologers differed on what was in store for Pande. Pande's proximity to V P Singh was well-known. His own prediction was that bad days, worse days, were coming. As Seshan saw it, Pande had better days ahead of him. There was yet no political signal that V P Singh was going to be the Prime Minister. Seshan, it seemed then, was a better astrologer.

When the order giving his place to Pande came, Seshan did not ring up his successor then. Or before he went to relinquish charge the next day. Nor did Pande speak to him, perhaps to spare both an embarrassment. Seshan merely asked an officer of the cabinet secretariat what time would suit Pande to take over charge from him on December 23. Pande preferred 11:05 a.m. Earlier or later would be inauspicious. Seshan reached his office two minutes before the appointed time and Pande on the dot. Then they spent two hours, talking about life and its uncertainties and their essential unpredictability. There was of course a change of seats. Seshan was seated before the big table, Pande behind it.

There was a weird symmetry in the announcement of Seshan's appointment as the Cabinet Secretary and the delivery of the order moving him out of that chair ten months later. The announcement of his appointment was made at an entirely unlikely venue and occasion. The venue was a naval mess in Bombay. Rajiv Gandhi was there attending a lunch with President Venkataraman hosted by the navy on the occasion of the ceremonial show of its fleet in February 1989. Seshan was in attendance as the Defence Secretary. As the dinner was in progress, Rajiv Gandhi called Seshan aside and quietly told him: "I am shifting you to the cabinet."

The Prime Minister had a weakness for such unorthodox styles. He could choose, for some unrevealed personal reasons, an odd place and an odd occasion to make an important announcement. Earlier he had moved out a Foreign Secretary, A P Venkateswaran, at a news conference. Such brusqueness had earned him flak. He couldn't care less. That was but a public show. When Seshan was told that he was being shifted to the "cabinet", there were only two people in hearing distance: he and Rajiv Gandhi.

Seshan did not ask what that "cabinet" meant. He knew. When he remained unmoved, Rajiv Gandhi turned to Seshan wondering why he did not want to know what that expression possibly meant. What was going to be his assignment? Was it the top job or something else? No curiosity gripped him. To Rajiv Gandhi's question, his answer was: "Why should I ask? If you wanted to tell me, you would tell me on your own right away. If you do not want to tell me, you won't change your mind even if I ask you." He liked to let things take their own course.

It seemed Rajiv Gandhi was not quite sure of Seshan initially. There was something in him that put many people off, not including Rajiv Gandhi. He had already talked about Seshan casually to one or two colleagues. He was in the process of making up his mind. Before doing that, he wanted to see how Seshan himself would react. Months ago, when they were on the Prime Minister's aircraft, Rajiv Gandhi broached the subject.

They were flying somewhere in south India. An hour of filework had bored the Prime Minister. The mild drone of the aircraft was beginning to make him drowsy. So Gandhi called the Defence Secretary for an idle conversation, nothing on matters of state. Yet as they went on with their banter, Gandhi asked that question: Who did Seshan think should succeed B G Deshmukh? Deshmukh was retiring shortly. Who should take his place as the Cabinet Secretary?

The question was being addressed to an officer who was himself senior enough to be considered for the top job. No one would have normally raised that embarrassing question in such a circumstance. Rajiv Gandhi seemed to enjoy mild embarrassment on occasion, whether it was caused to him or others. Seshan refused to be embarrassed by that question which the Prime Minister might have put with some curious design in his mind. Just as he was ready with his reply, after a moment's pause, it was delayed by one more moment. The Boeing went into an air pocket. When it recovered, Seshan's answer was clinical: Whosever it was should have a reasonable length of service still left.

There were four officers senior to him, all of them with less than a year to go. Seshan had nearly two years. It was the Prime Minister's right to choose anyone whom he liked. If someone junior to him was to be given that prestigious post, Seshan said, he would quietly retire. When Rajiv Gandhi finally chose Seshan for that job, it was not entirely because he wanted to avoid another ruckus in the civil service. The Prime Minister had seen him in different roles and different moods over the years. This man, he knew, would be useful, particularly in times of stress.

An image of amiability was what Seshan never had. In his brimming self-confidence, his peers saw arrogance. In his impatience with people and things, others saw pugnacity. Senior leaders of the ruling party were among them. Some thought he had a kink in him which made it difficult for most people to get along with him. That was not what should be looked for in a Cabinet Secretary—so ran one argument. Ministers in Rajiv Gandhi's cabinet had apprehensions about the choice. Gandhi evidently had none and the decision was made in due course of time. But he was not made the Cabinet Secretary straightaway. He had to be an understudy to the outgoing chief for a few weeks, learning or unlearning certain things before he took up the new job.

One day Seshan was summoned to the Prime Minister's office in South Block for what seemed a routine discussion. He was still serving his stint as understudy to Deshmukh. Seshan had just closed the door behind him when Rajiv Gandhi spoke, coming straight to the point, even before Seshan got to his seat. Many senior ministers, Gandhi said, were advising him to reconsider the appointment of the new Cabinet Secretary.

Seshan did not have many admirers among them. They were in fact "scared" of him, having known his ways and views when he was the Secretary in charge of the Prime Minister's security. Now that it had all been done, the Prime Minister felt, there was only one way to save the situation. The simple prescription was that Seshan should change himself. He agreed to try but mumbled that it might be rather late in the day.

He did not quite change. He went about with his incurable messianic zeal. That had been his strength and weakness at once. He would take whatever job was given to him rather too seriously, abnormally seriously. It would often seem that he could never help taking unremitting positions. That was not the best way to earn friends. That was a trait seen in Seshan right from the day he entered service as a sub-divisional officer in Madurai-Dindigul in Tamil Nadu.

No one would have thought it prudent to go the whole hog with Rajiv Gandhi when he looked politically beleaguered towards the end of his tenure in 1989. The sustained political campaign against him was beginning to crack his credibility when Seshan assumed the office of the Cabinet Secretary. The charge that Gandhi had received or arranged kickbacks in the infamous gun deal had come to be believed by a wide section of people. Inquiries and explanations hardly helped. It was no pleasant task to serve as the principal administrative officer of a regime that looked tottering. Still less discreet was it to implement its orders which were apt to annoy Rajiv Gandhi's detractors. Seshan carried them out—with pathological gusto. Seshan had not changed.

The crescendo of the campaign against Rajiv Gandhi was the Bharat Bandh organised by all opposition parties together in August 1989 demanding his resignation in the face of the unending Bofors scandal. The organisers hoped to show that the people of India had finally turned against Rajiv Gandhi's government by paralysing all activities in the country for a day, keeping government employees out of their offices. They planned to prove that the government could just not run, that its own employees had lost faith in it. It seemed a last-ditch battle between Rajiv Gandhi and his enraged political opponents.

Gandhi had two options: Face that bandh passively, letting government offices be deserted for a day or go all out to see that nothing could obstruct the running of the government. The choice was between tact and firmness, tact that would be mistaken for weakness and firmness that would seem to be adventurism. Rajiv Gandhi decided to be firm. He did not want to be accused of having abdicated his authority in the face of any onslaught. He did not want to leave an impression that he had lost the battle even before it began. So the Prime Minister's terse order to the Cabinet Secretary was: "The government must run".

Seshan was personally in favour of a show of firmness. The business of the government was to govern. Any effort to block it should be defeated without compunction. If it was not, it would be a signal that the government had lost its will to govern. But his views did not matter in any case. He had an order to carry out and carry it out he did. As he drove back home late in the evening two or three days before the bandh which acquired all the trappings of a political cataclysm, Seshan recited to himself Krishna's advice to Arjuna: swadharmamapi chavekshya na vikampitumarhasi.

Consider your duty. Do not waver.

He did not. He was determined to show that the government would run as directed by the Prime Minister. There were friends who cautioned him against being indiscreetly enthusiastic in an hour of political confrontation that was reaching a point of absolute hostility. That opinion was heard in the meeting of the committee of secretaries too. But the Cabinet Secretary had no doubt what his brief was and how he should carry it out. His plans to make government offices run in the face of a concerted opposition move to paralyse it were arguably draconian. Nothing could have annoyed Rajiv Gandhi's detractors more.

Seshan's argument was straight. As the principal civil servant, he was bound by a policy decision taken by the government. As long as it was lawful, he should carry it out without considering for a moment whether his administrative enthusiasm would harm him personally with a change of guard at the political level shortly afterwards. When others, friendly or not so friendly, pointed out the emerging political possibilities, Seshan again quoted that little book, Bhagawad Gita, most of which he knew by heart: swadharme nidhanam sreyah/ paradharmo bhayavahah. There is glory in doing one's duty. To do other's bidding is horrible.

Seshan did what he thought was his duty. When he did it, he meant to be as effective as possible. There was no halfway house for him, seeming to do something under orders and thwarting it himself for fear of criticism from elsewhere. The consequences of what he did were foregone. The new regime, whose political plans he had tried to foil with such determination when they concerned the governance of the country, could not have kept him as a trusted Cabinet Secretary. Seshan's ouster was inevitable. It was also clumsy, unceremonious. Perhaps so made deliberately.

The defeat of the Congress in the election in November 1989 was widely expected. It was also widely expected that Seshan who was Rajiv Gandhi's active administrative instrument would be bundled out at the first available opportunity by the new rulers. When defeat loomed large on the horizon, eroding an unparalleled mandate Rajiv Gandhi had won after his mother's assassination in 1984, his friends in politics and administration were considering every conceivable way to wrest a victory for their party which was in a shambles. Thoughts of victory when defeat looked certain were particularly exciting.

There were those who proposed extreme measures. Their argument was that such measures were warranted because some of Rajiv Gandhi's people were themselves in a mood to disown him in that phase of opposition blitzkrieg. In his last days as the President, Zail Singh was hobnobbing with opposition leaders who wanted the Prime Minister dismissed. They, some senior Congressmen and even Zail Singh, had ventured to involve Vice-President Venkataraman also in their plans to sack Rajiv Gandhi. Whether Venkataraman should be made the President was a question for which Rajiv Gandhi took time to find an answer.

Seshan recalls that those were days when Rajiv Gandhi was upset for two reasons: he was sure that opposition leaders would try every trick in the trade to vanquish him; he suspected that some of his own people whom he had trusted would join that operation, surreptitiously when he looked only unstable, openly if he was seen going down the precipice. One way to avert such a political debacle was war. People always hug heroes of war, unmindful of all their hated past deeds. The victory of the moment, the victory in war, overwhelms them.

When all that went on in political war councils and Rashtrapati Bhawan's inner chambers scared him, Rajiv Gandhi's thoughts were on war, a possible war with Pakistan. Indo-Pak relations were as bad as ever. Pakistan's association with those who inflicted mayhem on Punjab was well-known. Several of Rajiv Gandhi's advisors, including Seshan, suggested that the escalating violence, abetted from across the border, called for a ruthless counter-offensive. The plan was to pursue terrorists to the end of the road. In that pursuit, there would be border skirmishes. A war with Pakistan might ensue.

Such extreme measures for national security were apt to deflect public attention from that ceaseless flow of scandals unleashed by opposition parties. The success of such measures would provide an ideal backdrop for a general election in which Rajiv Gandhi could hope to romp home back with a renewed mandate. But he was not sure of the position of everyone whom he had installed in office. He let things drift. And defeat came in November 1989.

The defeat was not of Rajiv Gandhi alone. Seshan, who had emerged as his principal administrative instrument, employing all his energy to keep his outfit running when opposition parties worked hard to paralyse it, was also to face the music. In that dark hour of defeat, the old rulers, some among them, found one reason for relief. They were rid of Seshan. They were still recalling Seshan's shows of toughness and eccentricity when the direction of the political wind changed. After the old regime's last cabinet meeting, when the Cabinet Secretary was moving out with his files, saying farewell to all, one minister, Vasant Sathe, quipped with dark humour: "We're grateful that we've been spared the scare of Seshan!"

When Seshan was on his way to Yojana Bhavan on his first day as the Planning Commission Member, there couldn't be any exultation. Technically, he had been elevated to the rank of a Minister of State. He could not complain of demotion. But demotion it was, demotion from his high-profile seat in Rashtrapati Bhawan to a position of patent irrelevance, as events proved later. He was looking for work, not job, but what was ahead was a spell of enforced idleness. He went into it straight, without delay.

The day he was to join Yojana Bhavan began as usual with Seshan switching on his tape recorder to hear adityahridayam, lalitasahasranamam and other hymns which he mentally chanted as the cassette rolled on. He was listening to adityahridayam even more intently. "...martandaya namo namah..." It is a salutation to the sun. That was Sage Agastya's instruction to Lord Rama to enable him to win wars. The resonant lines of lalitasahasranamam, the thousand names of the goddess who destroys evil and inspires wisdom, sounded particularly meaningful that day. As Seshan was leaving for Yojana Bhavan, Jayalakshmi found him rather tense. "Don't look so let down. It is all not over."

Her words were meant only to comfort him, not backed by any political intuition. Even as Seshan was caught up in the maelstrom, Jayalakshmi showed no interest in the murky methods of politicians. Her delight was music which she taught to a group of devoted students. Yet her words were a source of strength in a moment of humiliation. A sincere word of consolation, even when one knew that it might not be backed by any assessment of the reality, has a magical power. Even when one knows that it is an empty assurance, one feels like believing it. Belief brings peace. Seshan found himself believing her words in spite of his knowledge of all that was going on in the corridors of political power, all that was not good tidings.

In its new dispensation, Yojana Bhavan built up its own new cliques. Its core group, such as it was, consisted of Hegde, L C Jain, Rajani Kothari and J D Sethi. They discussed matters among themselves and with Prime Minister Singh. Other Members were not often intimately associated with the discussions with the Prime Minister. Seshan was on the periphery and did not have to be involved in politically sensitive interactions. Now and then Jain would brief him on what was discussed with V P Singh; Seshan would hear him gratefully, if without interest. Gratitude was due for a gesture of grace which, after all, did not have to be shown in those days.

The pace of Yojana Bhavan was too slow for Seshan whose system would suddenly get worked up when things did not move fast, very fast. He would expect a meeting fixed for 11 a.m. to start at 11 a.m. and not a second later. When he found meeting after meeting taking place an hour or more after the scheduled time, one day he removed the clock in his room and sent it to the Commission's Secretary. The accompanying note read: "There is no need for a clock in Yojana Bhavan where nothing is done on time."

Several days passed with nothing changing. Meetings were often delayed by hours, more often cancelled. Always without notice. Seshan who had been given the portfolio of science and communications, considering his earlier service in scientific departments, was ill at ease. He would turn up for a meeting and spend a while in the room without even a shadow for company. Or the room would be seen safely locked. The meeting had been cancelled. A day later he would get an office note about the cancellation.

Krishnaswamy, the Planning Commission's Secretary, was surprised when he found one morning a neatly rolled calendar on his table. Then he was amused. Pinned on that calendar was a note from Seshan: "I had sent my clock to you earlier. Kindly accept this calendar now. Yojana Bhavan needs no clock or calendar." Such practical jokes had little effect on the pace or style of Yojana Bhavan. It had set its own official rhythm, transcending the limits of time, while working out the ninth approach to the eighth plan or whatever it used to be derisively called.

Yojana Bhavan was punctilious, however, when it came to Seshan's salary bill. His salary was suddenly halved, arbitrarily of course. Some clerical genius somewhere decided to give him only what a Planning Commission Member would normally get, not for a moment considering that Seshan was still in service with the rank of the Cabinet Secretary to the government. It could be more than the work of a clerical genius. Seshan suspected that someone bigger than a clerk might be trying to remind him that he was no longer in a position to call the shots.

It is difficult to deal with lower functionaries who felt intensely that they should not have been where they were as well as higher officials who knew deep down their hearts that they were not quite worthy of their position. The disempowered Planning Commission Member had to face both when presenting his case for restoration of his deducted pay. When he finally had his way, it was somewhat of a great culmination of a supreme struggle in the cloistered fields of bureaucracy.

No farewell could be more delightful than what Seshan said to Yojana Bhavan in December 1990. It was, for once, great to get out. Whether or not he knew what he was walking into next, Seshan felt grateful for the conjunction of events that brought V P Singh down and sent Chandra Shekhar up. For Seshan, personally, it ended a stint of non-work.

3

Security Matters

Gandhi Jayanti was a violent day in 1986. No day, some evil genius thought, would be more appropriate to attempt an assassination than the day the prophet of non-violence was born. No place could possibly be more appropriate to attempt it than Gandhi's Samadhi. Thirty-eight years after he died a victim of violence, someone decided to shoot down at Rajghat on Gandhi Jayanti a man who was only four years old when Gandhi died. The target was another Gandhi, Rajiv Gandhi.

There was nothing for Seshan to do on that day, October 2. The whole nation has a holiday on Gandhi's birthday to re-inspire itself with his forgotten message of truth and non-violence. The holiday was well and truly a holiday that year. A playful day indeed literally. One of those interminable cricket tests was being played in every home in the capital equipped with a television set.

In Bikaner House, overlooking India Gate's greenery and calm, which was the Environment Secretary's office, Seshan switched on the television set left behind by his predecessor. He had driven up to his office a little while ago from his house a few yards away to look up some paper he had left unfinished the previous day. It did not take long. Before he left for home, he switched on the television. A test match was on in some cricket-crazy land. And then broke in a bald-pated, bespectacled announcer, reporting something crazy that had happened at Gandhi's Samadhi.

There was a cultivated air of calm about that announcement. Someone had fired a shot at Rajiv Gandhi but nothing happened. The clumsy character who had hidden himself in a bush in that sanctuary of peace was no Nathuram Godse. He was an extraordinarily bad marksman. His weapon was not good enough to ensure the end of his victim. He did not seem to have the right motivation for his diabolical mission. Or is it that he was deliberately shooting off the mark with a pistol chosen for its inaccuracy?

That was a question for Seshan to find an answer in subsequent weeks. The answer, now filed in some unknown document stored in some secretariat chamber, was unsettling.

Back home after watching a dreary match in which wickets never fell for a couple of hours, Seshan felt some dark cloud settling down in his mind. He asked Jayalakshmi as they sat down for a light lunch: "What did you think of that innocuous announcement?" "Which announcement?" Jayalakshmi had not even switched on the television. She had more delightful things to do than watching all that juvenile comedy Doordarshan presented with pride. Then Seshan said all about that announcement slipped in through the cricket telecast, about its cultivated air of calm, about his uncanny feeling that all was not well.

All was well for Seshan till the next day when the Prime Minister's Office asked for him. He was to be present in South Block for a meeting with the Prime Minister. The instructions were elaborate, when he should start off from his office, which route he should take, where he should present himself and when and so on. He would not, Seshan was cautioned, be able to make it if he did not follow the instructions. The whole route would be swarmed by policemen who had orders not to let a fly interrupt the Prime Minister's route.

This was not the first time he was going to South Block. Nor was this his first meeting with the Prime Minister. What bothered Seshan was not why such perfervid caution was being taken or why he was being given such inviolable instructions. When security should have been his supreme concern, why was the Prime Minister asking for the Environment Secretary? That was what Seshan heard himself asking.

When he presented himself before Rajiv Gandhi, there was nothing elaborate by way of introduction. The Prime Minister had taken a decision to have an inquiry into what looked like an attempt on his life. Seshan was to conduct the inquiry. No questions. There was only one more order. The inquiry should be completed by November 1.

Without considering for a moment what he was up against, Seshan said he would be ready with his report before the deadline. There was that characteristic note of confidence which pleased Gandhi. As Seshan was near the door on his way out of the Prime Minister's chamber, Gandhi called him out and said with an afterthought: "Do not hide anything. Say everything you feel in the report." Seshan knew then that Gandhi had a suspicion that there was something about that incident which even Seshan might be inclined to conceal after nis inquiry.

The inquiry was not to be a one-man affair. When Seshan broached the subject to Cabinet Secretary Deshmukh, he suggested that a committee be set up to conduct the probe. So it was with Deshmukh as its inevitable head and a police officer and an Additional Secretary from the Home Ministry as its members. Seshan ran the show. And, the report was ready four days before the deadline. It was a document about which little was known to more than a dozen people. Nothing more may yet be revealed.

A change of guard had taken place in the Home Ministry when the clumsy attempt was made on the Prime Minister's life. The relationship between the Prime Minister and his cousin who was the Minister for Internal Security in the Home Ministry had also changed—soured. The first development, change of guard, was in fact a sequel to the second development, replacement of Arun Nehru by P Chidamabaram as the Minister for Internal Security. What forced that sequence of events, vitiating a family relationship and altering the course of national politics up to a point, did not concern Seshan.

Arun Nehru was taken ill a few months before that incident on Gandhi Jayanti. He complained of chest pain and suffocation when he was on a trip to Kashmir. Soon afterwards, his portfolio was given to Chidambaram. Nehru was not quite pleased. Whether he was shifted because he fell ill or he fell ill so that he could be shifted was a matter of gossip in corridors of politics. What was firmer than gossip was that Rajiv Gandhi had lost faith in Arun Nehru. The removal of Nehru from the sensitive department of Internal Security followed as a matter of course.

One thing could have puzzled anyone who closely studied the sequence of the assault on Rajiv Gandhi on Gandhi Jayanti was the assailant's apparent stupidity. Before he was finally identified as Karamjit Singh from Sangrur, he gave his name as Manmohan Desai. The motive he gave was that a friend of his had been killed in riots in 1984. He had no job. For some time he was selling odd things on Delhi's pavements. He looked and sounded too stupid to accomplish such a diabolical mission.

Karamajit Singh did not have the making of a killer. He had no entry on him in any police record. There was nothing to link him with any gang of terrorists. He could not have, in any case, killed his target with his crude weapon, certainly not in the calculatedly inefficient manner he went about his job. He fired only when Rajiv Gandhi was out of range. After his job was done, clumsily, Karamjit Singh was obliging policemen by coming down from behind the creepers on a concrete canopy on his own. He was not being sought out by policemen.

The way policemen went about it was clumsier than Karamjit Singh's. He had gained a luxury of time. He had taken position at Rajghat for several hours. He could fire twice within an hour. When he fired first on Rajiv Gandhi's arrival, that shot was dismissed as the sound of a vehicle's backfire. A newspaper reported: "What turned out to be a warning shot was ignored. For almost 50 minutes after that, securitymen did nothing." A "warning shot"? The conclusion was that there was no intention to kill. The intention was to remain a mystery.

That abortive attempt on Rajiv Gandhi at an unlikely place like Rajghat where security was supposed to have been impenetrable proved one fact: security arrangements were not impenetrable. A police officer, Gautam Kaul, a cousin of Rajiv Gandhi who was responsible for security at Rajghat, was suspended. The attempt also tended to create an impression: things had gone wrong after Arun Nehru's removal. Had they gone wrong because of sheer callousness or something worse?

That was a question Seshan had to probe. As he went on probing, his cynicism darkened. What vicious things politics could do to human relationships when short-term interests clashed was a discovery that made any hope about goodness in life silly and stupid. The gossip mill worked round-the-clock, refining rumour as truth and truth rumour. In hushed tones, those who had access to information and those who relished gossip asked whether it was all a stage-managed charade to make security managers look stupid.

The assailant staying put for several hours at a place which was thoroughly combed. "A warning shot" being dismissed as a vehicle's backfiring sound. A second shot from well beyond killing range. The assailant emerging on his own from behind the creepers. Macabre imagination went wild when someone wondered whether it could have had some kind of semi-official sponsorship. And, then, erased his words from the waves of air.

The probe did yield an answer. A disturbing answer. Seshan would not speak a word about it. He invokes what he calls the broader interest of national security. National security is a mantra which can be invoked when any unpleasant information has to be concealed. Seshan chants no mantra in this context at least. He does not feel free to say what he knows—at first hand. That disturbing answer he found, which remains hidden in a single- copy report submitted to Rajiv Gandhi, may never be revealed. Or, hopefully, it may become public knowledge half a century or more later when a student of security matters or political intrigues goes through the dusty labyrinths of archives. All those who had something to do with that incident one way or another would by then be gone, mercifully. One was gone in May 1991.

The probe led to another thing. It was all well behind him when one day in November Seshan got another call from the Prime Minister's Office. He should rush to the airport where Rajiv Gandhi was about to land after a trip to Jaipur where he had a public function to address. The Prime Minister had chosen Indira Gandhi Airport as the venue to announce another important appointment. This time round it was a new post in the Cabinet Secretariat in which Seshan was to work as the Secretary(Security) with an exclusive brief: the Prime Minister's security.

He had never before had much to do with law and order, except when he was the District Collector in Madurai more than twenty years ago. His entire career had been spent in scientific or economic departments. When Seshan pointed out that a man familiar with matters of security would be ideally suitable for the job, Rajiv Gandhi's reaction was a question: "Do you have any problem accepting your new assignment? You have given several suggestions in your report. Why not try implementing them?" Then Gandhi ventured a short explanation. He was looking for a Secretary(Security) who would be blunt, just blunt. Seshan had, in his time, shown his flair for bluntness.

Rajiv Gandhi had seen Seshan's capacity for bluntness even before that searing document on his security (or lack of it) was prepared. Seshan was blunt when they first met in 1985. No one had ever before told the Prime Minister that a promise he had given to a nation full of expectations so valiantly was unworkable, quite so. Seshan did. Seshan had been a Secretary to the Government for barely three days, heading a new Department of Forests, carved out of the massive Department of Agriculture. Only a week ago had he come back from Canada.

The news of his elevation as a Secretary had been relayed to Seshan one early morning when he was dressing up in an eighteenth floor room of Ottawa's Radisson Hotel. Notes of T N Krishnan's violin inspired an oriental air of calm in the room. Seshan who had learnt to play the instrument in his early boyhood was savouring its softness, before he started a day of negotiations on some equipment deal for the Department of Space in which he was an Additional Secretary.

He had always preferred instrumental music to any vocal recital, even by the greatest maestro. Instruments, he felt, remained unaffected by the limitations of human voice. Notes on a string or rhythm of beats or melody blown through pipe could be untainted. Seshan abhorred taint in everything, everywhere. More so in music. One or two favourite tapes of instrumental music he would always carry with him when he went out on a trip that was likely to be tedious.

The harmony of the kirtana in samaraga played on Krishnan's violin was suddenly disturbed by the clear, lilting but extremely unwelcome ring of the phone. The voice on the other end in Bangalore was Venkatesan's. Venkatesan, his private secretary, was making that long distance call to tell him that he had been promoted as Secretary to the government and put in charge of the newly created forest department. Secretaryship is the pinnacle of the administrative service of which everyone who enters IAS has obsessive dreams. Only those high in the holy list of rank make it. Seshan was at the top of the list of the officers recruited in 1955.

When Venkatesan broke the news of his promotion, Seshan did not know why he had been drafted to the forest department. Not that he had any objection to it. He was in fact pleased that he was to man a new department which would gain increasing importance in the days to come. The denudation of forests and defilement of the environment was becoming a major global concern and Prime Minister Rajiv Gandhi shared it intensely. So much so that he once made an off-the-cuff announcement that five million hectares would be developed as new forests every year.

It was a laudable declaration but no one had really worked out what it would cost and where all that money would come from. The declaration was what was important. It would be splashed across newspaper pages or blared through Akashvani and Doordarshan—and then forgotten within thirty minutes. Or thirty-one minutes. When Seshan was back from Canada to begin the new phase in his career as a Secretary, what struck him was the emptiness of that declaration.

He did some quick sums. In the three days he had been the Forest Secretary, there was little time to find out who did what and why. The complement of his new department's staff was three or four. But there was that innocuous Parliament question to answer, some member wanting to know all about afforestation in the space of five minutes an answer in Parliament might take. Whether there was staff or no staff, whether information was available or not, Parliament questions cannot wait. Seshan worked out the astronomical number of seedlings required for that operation and the fabulous amount of money that had to be found. Its enormity was intimidating. Rajiv Gandhi's dream was a grandiose dream, just a dream.

The Forest Secretary spoke the truth, startling almost everyone around, when the Prime Minister sought a briefing. Other Secretaries and their retinue, who had assembled to brief the Prime Minister on their subjects, looked askance when Seshan bluntly said that the target was unrealistic. The announcement had been made on the basis of imaginary data or in a fit of environmental adventurism. Now that the Prime Minister had made the announcement, Seshan said, all that could be done was to try to achieve the impossible.

When Rajiv Gandhi realised the enormity of his promise, he was only too pleased—not with the plight to which he had been reduced but with Seshan's frankness, "brutal frankness", as he put it later. In later months, when Seshan was closer to Rajiv Gandhi, he realised one thing. The Prime Minister wanted to be told when he was wrong. Seshan had pointed out enough wrong things in his time but that was perhaps the first time he found his frankness rewarding. Rajiv Gandhi made no mention of it then. It was that show of brutal frankness that Rajiv Gandhi mentally noted when he named Seshan as the Secretary in charge of the Prime Minister's security in November 1986.

Chidambaram who was the Minister for Internal Security after Arun Nehru's exit was the first person to ask how one person could hold two posts, as the Environment Secretary and the Security Secretary. When the matter was put to the Prime Minister, Rajiv Gandhi's reaction was unexpected. If Seshan had to be asked to choose between the two posts, Rajiv Gandhi said, then he should remain the Environment Secretary. In his scheme of things, environment had primacy. That was how Seshan came to head two entirely dissimilar departments, environment and VIP security.

That stint as the Secretary in charge of the Prime Minister's security was what brought Seshan closer to Rajiv Gandhi. It was a relationship built on a foundation of bluntness. Bluntness had earned him enemies by scores; it also earned Rajiv Gandhi's trust. Much as he might find it inconvenient at a given point of time, Gandhi liked to be told the truth. He knew perhaps that truth helps, in the long run.

The task of organising the Prime Minister's security was the most sensitive assignment Seshan had held so far. It was a round-the-clock job. Seshan browsed through every document on VIP security available anywhere in the world. A man who despised fiction and the world of sentiment it built, he read novels woven around assassinations. A new machinery for the Prime Minister's security was being created and it had to be foolproof. There was nothing he would leave to chance. He would find out even such things as where securitymen ate and slept, whom they had as friends and enemies.

The new security machinery was not the Intelligence Bureau's favourite. When a Special Protection Group was set up exclusively to look after the Prime Minister, IB which was doing that job so far was not exactly thrilled. But its annoyance hardly mattered. Others' annoyance or resentment hardly bothered Seshan. Ever. He was so sure of his position, so clear about his brief. By its very nature, it vested in him considerable power.

When Seshan wielded it, he did it only too effectively, overwhelmingly. He would be seen everywhere Rajiv Gandhi went. He hovered around Rajiv Gandhi as his towering shadow which never shrunk. His job was to ensure the Prime Minister's security and he would do it in every way he thought was effective or necessary. He evolved his own norms. It was unconventional for a senior IAS officer to be seen at the Prime Minister's residence at odd hours giving instructions on matters of security.

Conventional wisdom was that a Secretary should maintain the high profile of a Secretary, never venturing to do things that should be left to lesser mortals. Seshan was the Secretary(Security), not a plain securityman, many pointed out. Cabinet Secretary Deshmukh once even asked him whether it was not odd for a senior IAS officer like him to make an absorbing personal mission of his security assignment, taking on routine work other professionals were supposed to do. Conventions never inhibited Seshan.

His no-nonsense approach to things and persons built around him a halo of irreverence. Many who crossed his path saw it as arrogance. Subordinates dreaded his fits of temper, peers derided what they saw as a show of patent impertinence. As Seshan saw it, he had a job to do and the job was keeping alive India's Prime Minister. It brooked no softness or aunty-like sweet talk. Unpopularity was what such a posture brought, inevitably. And, unpopularity seldom bothered him; it was something he often courted.

His methods and manners sometimes embarrassed Rajiv Gandhi, often offended his acolytes. There were occasions when he snatched a biscuit out of the Prime Minister's mouth. For the startled Prime Minister, Seshan had a ready reply. He invoked the golden security prescription that the Prime Minister should eat nothing that was not tested before. Seshan's style might have amused some and embittered many others but his concern was only one: PM's security.

The crowds which came to see and hear Rajiv Gandhi in several places were amused when they were not dismayed. The huge figure of the Security Secretary would stand between them and their hero. In Calcutta where Gandhi had gone on an election tour, Seshan ran with the Prime Minister's car several miles, just to be around when the car stopped and an excited crowd mobbed him. There were the uniformed men and the plainclothes men doing their chores. But the Secretary (Security) did not like to be left one step behind those whose job it was to provide security physically.

What happened on an Independence Day was something strange. There was a Freedom Run arranged with great fanfare in 1987. Rajiv Gandhi was to run from Vijay Chowk to India Gate in the capital on August 15, accompanied by a whole lot of people including some of his Cabinet Ministers. Gandhi had arrived duly in his track suit. His ministers danced around him. Seshan was going round duly dressed in black trousers and a closed-neck black coat in keeping with the nature of the ceremonial occasion. He looked a perfect study in grimness, surveying everything that went around him with eyes which looked for more than what they saw. The Prime Minister, while expectantly waiting for the Freedom Run to be whistled off, was in a mood to taunt him.

"Why do you stand there suited and booted? Why not run with us, Seshan? It would cut down your avoidable fat." Seshan's huge body then weighed over a hundred kilograms which only tended to grow as he tried to reduce his diet. His instant wit was in evidence. It had often been interpreted as insolence. Seshan courted that charge again. He said: "Sir, some of us have to stand upright so that you can run." The words were at once simple and complex. One minister, Natwar Singh, a seasoned bureaucrat who shifted to politics after retirement but without changing his civil service norms, was particularly annoyed. He admonished Seshan, perhaps to catch the Prime Minister's attention. Seshan, he said, would have to pay for that impertinence. There was an enigmatic smile flashing on Rajiv Gandhi's face.

Even Gandhi was not prepared for what happened when the Freedom Run began. He had run just a few yards when he found himself "frozen". Securitymen wove a solid human ring around him, preventing him from taking another step forward. They showed him into the car that was waiting for him, engine purring, and drove off to his residence leaving the option to his friends and colleagues to continue the race. They cowered when they did so. But they knew what they had to do. They had their instructions which no one would ever flout.

Securitymen had cleansed a particular length of the route Rajiv Gandhi was to take during the Freedom Run. Beyond that, where nondescript crowds would have joined the race or come close to the runners, they had not been able to provide absolute security cover. Rajiv Gandhi running farther could be risky. Seshan was ready to run any risk but not this. The Prime Minister was incensed when he got down at his residence; he showered all permissible obscenities on Seshan who had deliberately wrecked it all. The man whose job it was to supervise the Prime Minister's security happily endorsed all those hostilities.

Providing security is more than a tough job. It often affects the psychology of the person who provides security, more than the person who is being protected. It develops a strange relationship between the two persons placed vastly unequally. Much like a conscientious surgeon who sees an inexplicable spiritual attachment to the known or unknown anaesthetised body he rips open, the man in charge of security tends to make his precious ward a part of his being. Something like that was happening to Seshan, much as he would take pride in his philosophical equanimity as enjoined by Gita. Rajiv Gandhi was growing in him.

Others saw it differently. They made him Gandhi's lackey, his hatchetman. When Seshan was appointed the Defence Secretary some time later, they drew an instant inference. The hatchetman was being inducted to destroy all evidence of the controversial submarine deal and the gun scandal whose kickbacks, they were all so sure, had gone into Gandhi's coffers—or his nominees'. The submarine deal had been concluded before Seshan joined the ministry and, all its papers had also been taken away for examination by the joint parliamentary committee. Yet it was Seshan's brief to present the case before Parliament's public accounts committee when it was re-examining the murky submarine deal in the light of an objection recorded by the Comptroller and Auditor General.

Seshan went about mechanically. He was to perform the role of a lawyer. He had a ready brief and he had to make the best possible presentation out of it. The deal was all long over and there was no decision to be taken by him; nor was there any need for him to go into the correctness of the decision to purchase the HDW submarine from Germany and not from another frigate firm. It was not open to the new Defence Secretary to question the wisdom of whatever decision had been taken before, for whatever technical reason.

The technical reason provided by the Navy for preferring the HDW submarine to any other vessel was that it produced much too lower self-noise as compared to other vessels available in the international market. That being so, it was argued, the enemy would find it harder to detect the submarine. There were doubts whether self-noise could be assessed comparatively with such accuracy. Possibly, some smart naval officer was finding the right but unverifiable reason to enable the powers that be to clinch the deal in favour of HDW. These were questions that others raised with frenetic regularity.

These were questions which did not interest the new Defence Secretary. As he saw it, he was merely to explain the background of the decision taken well before he was in position and defend it as well as he could. There was no scope for a review of the correctness of a decision taken on the basis of expert technical advice from naval officers. There was no reason to doubt it. When he appeared before the public accounts committee headed by a vociferous CPI(M) leader, Amal Dutta, Seshan had no inhibitions. Certitude marked his arguments.

After one round of presentation by Seshan, tea was being served in a committee room of Parliament House when one man gently walked up to him and complimented him for making the best of a bad case. It could not have been defended more effectively, he said, admiring Seshan but not yet convinced that the deal was straight. That was T N Chaturvedi, Comptroller and Auditor General, whose critical remarks in his annual report had caused all that commotion. Seshan was pleased with the compliment but not willing to concede the second point Chaturvedi made. That it was a bad case was something Seshan would not grant.

There was no major role to play as the Defence Secretary. He was there barely for ten months before he moved to the cabinet secretariat. Rajiv Gandhi's security, for some reason, continued to be his concern. Later, one crucial decision which he influenced as the Cabinet Secretary before V P Singh bundled him out was on matters relating to the Prime Minister's security. Elections were coming and it did not seem entirely unlikely then that Rajiv Gandhi might fall short of majority in Parliament. The security provided to him then would have to be withdrawn. It was Seshan's suggestion that SPG cover be given to former Prime Ministers and their close relatives also. One man demurred: Rajiv Gandhi.

Whether he should be given a particular level of security was not a matter to be left to him. Whether he wanted it or not, he would have to be given such protection if it was seen warranted in a given security environment. American Presidents' relatives enjoy FBI security long after their death. Like Truman's daughter now. The Cabinet Secretary insisted that Rajiv Gandhi would need special security even after he ceased to be the Prime Minister. A note proposing a suitable amendment to the order on SPG cover for VIPs was duly recorded by Seshan before he was ousted from the cabinet secretariat. That was but viewed as an act of a sycophant. And brusquely set aside when V P Singh became the Prime Minister.

Whether Rajiv Gandhi's assassination could have been averted if Seshan's view had prevailed is a might-have-been of history. There was a very real possibility that his life could have been spared if an impenetrable ring of security had been retained around him even after he ceased to be the Prime Minister. The Verma Commission which studied the circumstances leading to Gandhi's assassination came to that conclusion. Seshan did not personally tender evidence before the Commission because there was no need for it. As a bureaucrat, he had made it a habit to reduce everything relevant to paper so that official records would not leave themselves open to any subsequent personal interpolation.

The Verma Commission said: "In view of the continuing high threat to Rajiv Gandhi even on his ceasing to be the Prime Minister and consequently the decision of the Central government taken on 4.12.1989 to continue the SPG cover to him for his proximate security as ex-Prime Minister subject modification in the level of protection on fresh assessment of threat, the decision of the Central government on 30.1.1990 to withdraw the SPG cover to Rajiv Gandhi without provision for a suitable alternative for his proximate security which was not as a result of fresh assessment of threat justifying reduction in his security and the consequent withdrawal of the SPG cover reducing the level of protection to Rajiv Gandhi without any reduction of the threat to him was contrary to the Central government's own earlier decision as well as his security requirement and was unjustified."

"The stated reasons in the Cabinet Secretariat's note dated 30.1.1990 for the Central government's decision to withdraw the SPG cover to the ex-Prime Minister are tenuous...It appears that the Central government's decision on 30.1.1990 was prompted more by lack of proper perception or the requisite will than the stated difficulties..."

Seshan takes that as a resounding judicial endorsement of the position he had taken when he was leaving the Cabinet Secretariat. Withdrawal of Rajiv Gandhi's SPG security was a subject of rabid political controversy for a long time. It may never end. V P Singh took that decision not quite on the basis of an objective assessment of the security environment but on a romantic notion that an excessive preoccupation with VIP security would militate against the spirit of democracy. The argument about "high profile visibility inviting criticism" were laughed away by the Verma Commission.

Whether because of a lurking feeling that it was his action, guided by such a notion or sheer political pique, that made Rajiv Gandhi fatally vulnerable, V P Singh comes up now and again with a suggestion that the 'z' category security provided to him as the former Prime Minister should be withdrawn. He may indeed be credited with a consistency of approach though consistency is not necessarily a virtue always. Not in this case for sure. In this case, what was involved was a human life, a former Prime Minister's life.

When the life which he had worked so hard to protect was blown up on that May night of 1991, Seshan felt a rare sense of emptiness. It was more than a feeling of loss or sorrow. He did not even think it necessary to go for the cremation and be seen around. What he had hoped, so foolishly, to protect had been destroyed. Seshan chose to stay at home when flames rose in frenzy in Veerbhumi.

4

Stars, be Sentinel

The face of death was visible long before it came. Those who could see it through the maze of uncertainty and the din of election slogans recognised its ugliness. Death lost all its beauty and mystique when it became a cold certainty, ridiculously predictable. Fear gripped those who saw its violent face in early 1991. Seshan had intimations of fear when Chandra Shekhar's ramshackle ministry collapsed with a whimper.

He was not worried a whit about the political fall-out of that predictable non-event. Everyone who was familiar with the games politicians play knew it only too well that an unnatural phenomenon called the Shekhar ministry would not last long. Its fall, precipitated by Shekhar's misdemeanours or Congressmen's machinations, was only a matter of time. It fell in March 1991.

Rajiv Gandhi chose to let it die of political asphyxia, withdrawing his party's vital support to Shekhar, for a rather ludicrous reason. The alibi Gandhi chose was that the government which lived with his support was deploying heavy-footed sleuths to snoop around his house. Whether for that reason or another ludicrous reason, Shekhar's government was to be felled. It was a foregone conclusion. Seshan had little interest in it, less concern over it.

Yet he was assailed by fears, seemingly morbid, in early March 1991. Elections which he, as CEC, was to conduct freely, fairly and impartially were on the cards. Rajiv Gandhi's political destiny was involved in those elections. As the Chief Election Commissioner, it did not matter to him whether Gandhi won or lost. As a friend and well-wisher of Gandhi, he would have wanted him to win. He had also valid astrological reasons, apart from a host of political factors, to conclude well in advance that Gandhi's party was poised for victory. That was, ironically, what brought to him intimations of fear.

The victory of the Congress was not in doubt. That was the seasoned star-gazers' prognosis. What was in doubt was who would head the government. Several astrologers friendly to Gandhi had foreseen as early as April 1991 that his party would win but form a government with someone else as its leader. This worried Seshan slightly. It brought to his placid mind a creeping fear when he broke down that prognosis into its sordid components.

It could be that Gandhi might lose the election himself even as his party won a majority. There could be a contest and someone else, in an entirely unlikely event, upstage him. He could face up to both situations with a degree of cultivated equanimity but not the third sinister possibility. The third possibility was that Gandhi would not be around to lead his party when it was voted to power.

That was what some astrologers had predicted, silently, honestly, ruthlessly. They had foreseen what might be called, in a language not given to them, a stellar conspiracy against Gandhi. Some of them in Madras and Namboodiri in Guruvayur whom Seshan had always trusted were even more coldly specific. They felt that Rajiv Gandhi, who was going to be one of the world's most powerful men when he still had three years to be fifty, might end well before that, shattered into burning smithereens in an explosion. The awesome Sanskrit word they used was "visphotanam", its very sound creating an ambience of explosion. Seshan who had spent years studying the moods of stars and their impact on human movements was naturally apprehensive.

Anxious well-wishers did convey their fears to Gandhi in those hectic days of electioneering. Not in so many words, never in lurid details. Their fears were couched in cautious, deceptively gentle words. Rajiv Gandhi was passing through a bad phase; he should take care. That was all that they would say. No one could bring himself to speaking the truth, as he saw it, in all its violence and terror.

Gandhi heard them casually. He was not particularly bothered about how stars were disposed toward him. He had no time to bother himself with such thoughts. An election was on and he had to win it—and bounce back to power. He had to avenge his ouster from power which he had seized with such might and confidence in 1984. Thoughts of the "bad phase" and stellar susceptibilities were to be left to others who had enough leisure for them.

Seshan was pressed into service to carry to Rajiv Gandhi bad tidings when others failed. Something of the old Security Secretary was supposed to have been still left in him. He alone could have broached the subject in all its gravity; he alone could have captured his attention to an astrological prediction Gandhi was apt to take rather lightly. He was not the kind of person who would reject all such prognostications with a rationalist's irritating certitude. Nor would he accept them as an infallible preview of truth. Seshan alone could have possibly changed his attitude, if anyone could.

On May 10, Seshan called on Gandhi. It was late in the night, close to daybreak. The meeting between the Chief Election Commissioner and the leader of India's principal party had no agenda. There was nothing to be discussed about elections. They had only a very intimate personal matter to consider when Seshan caught up with Gandhi whom his trying schedule had not exhausted. When Seshan spoke his mind in measured words, so carefully measured as to caution his listener but not scare him, Gandhi was all attention. Not because the truth that Seshan's words might adumbrate upset him but because he was moved by a good friend's concern for him.

At the end of it, Seshan was annoyed.

There was no question of changing his schedule, Rajiv Gandhi insisted. Seshan's suggestion was that Gandhi reschedule his tour plan, confining his public meetings to big cities and towns, avoiding rural crowd points. He did not have to visit every village. His mother used to plan her meetings so selectively, making herself visible everywhere, yet not being present in all places. The son had other considerations. He liked to be seen mingling with crowds, more so perhaps to correct the image of a young man who had landed on the public platform straight from the aircraft cockpit. He had to emerge as a man of the masses and be seen in their midst. His meetings, therefore, could not be rescheduled or cancelled. The meetings fixed at Sriperumbudur and elsewhere in Tamil Nadu in the third week of May had to go on.

"I won't die twice, Seshan." Rajiv Gandhi's reply had the unmistakable ring of that chronic human weakness: certitude. It was no disregard for Seshan or absolute disbelief in his capacity to peep into the future. It was only that Gandhi was brimming with confidence. To Seshan, it sounded annoying, like an echo of hollow human pride. He snapped with a note of irreverence: "That is not your prerogative alone, sir. No one dies twice." Those were to be Seshan's last words to Rajiv Gandhi. They never met again.

It was a ruffled Seshan who left 10 Janpath that night, Gandhi, as usual, coming down to open the door and seeing him off, with a smile on his face that could have meant "I won't die twice." Seshan and other friends of Rajiv Gandhi then began a different operation to try and change his mind and propitiate all gods who had, for a while, turned malevolent. Traditional astrology provided for prayashchitta, atonement, when gods looked angry. The prescription was that Gandhi visit Kanchi and Guruvayur and make an offering of crackers at Triprayar, a temple in Kerala, before he set out on his poll tour in the third week of

May.

The monastery in Kanchi even sent a message to him on May 17, four days before it all ended. Gandhi used to rush in and out of his house in New Delhi whenever he had a few hours of interval between his round-the-clock travels. He could take a nap or give guidance to his party colleagues who would turn up at the unlikeliest hour. There was no time to read his mail. The message from Kanchi, which might have well stood between him and death, was there on his desk, caught up in a mound of mail. It remained unread. For ever.

When Rajiv Gandhi died without reading it, Seshan felt the tremor of his words turning true. He sat the whole day at home, near his ever-ringing phone. He did not feel like going for the cremation. There was no need to be seen around in, as they say, sack cloth and ashes. He did not want others to hear the tremor in his heart, the tremor of foreseen truth.

The shape of the future has long held Seshan in thrall. It has been his life's passion to find out what lies in the womb of time. Constellations are his chosen medium. Crystals and pyramids and birds and lizards, which aid others to divine the nature of things and the mystery of the morrow, are of no great interest to him. He was drawn to astrology as a little child, first as a carrier of bags of horoscopes when his father went to the village astrologer to have them analysed. There were four of them at a time, all his sisters', to be studied and matched with the horoscopes of prospective grooms.

Tradition had it that the bride's horoscope should necessarily match with the groom's. It did not quite matter if there was some defect in the groom's document. Serious mismatch could cause death. The supreme consideration was that nothing should happen to the husband; if the wife was to die, so be it. This apparent gender injustice had troubled Seshan's mind whenever he thought of that tradition those days. Later he could rationalise it. The idea, he inferred, was that a woman should be spared widowhood at all costs. People and their superstitions have changed in a shorter spell than Seshan's own lifetime.

It was fun watching astrologers read the future so confidently inscribed on a few sheafs of palm leaf or paper by some other astrologers. As years went by, Seshan had no more problem with the long web of letters engraved on a palm leaf with a stylus than with horoscopes written in ink on paper. Some others used cowries for calculation of stellar movements—sometimes also to dazzle a guileless customer who was anxious to know whether his bad times were over or whether his enemy would pop off before long. The fixation with the future began when Seshan followed his father like a shadow, along the little serpentine bunds which dissected sprawling paddy fields, carrying those bags of horoscopes.

Long afterwards, when he was on a trip to Madras as an IAS trainee, he had occasion to visit an age-old library in Tanjavur which housed a treasure of rare Sanskrit texts on astrology. His reading was till then limited to whatever was available in an uneconomically run bookstall in an obscure brahman street in Palakkad. Reading was required to strengthen the foundation he had already built in his mind, looking at every horoscope that came his way and deciphering the language of stars.

There was one horoscope he avoided analysing: his own. He chose to be content with whatever others told him about it. No astrologer usually reads his own horoscope, just as no physician ventures to diagnose his own disease when it looks like serious. Few surgeons rip open their close relatives' viscera when they feared danger could be lurking somewhere. Acute subjectivity could block the vision of truth. So Seshan seldom studied his own horoscope. He opened it for a personal analysis only when it was time for him to choose a bride.

He was a sub-collector in Dindigul in 1957-58 when his father sent on proposal after proposal for his marriage. The girl first proposed was Jayalakshmi, a girl from Pudukkad near Thrissur, some forty kilometres from Tirunellai. The horoscope came to Seshan, his father, who knew much less astrology than him, cautioning him that she might not bear children if her horoscope was right. It was discarded after a cursory look. Then another horoscope came with the same note of caution. Then yet another. Seshan was getting irritated.

That was when he had a close look at his own horoscope. It was great reading. There was every indication that he would rise high in stature. He would have a mastery over speech. His word of command would find instant compliance. Enemies would be in abundance but no enemy would vanquish him totally, for ever. Eventually he would have his way. But there was one unpleasant indication. He might not have children.

For days Seshan pondered over that possibility. He was none too intimidated by it. What engaged his mind was another thought, a problem of logic that had a cruel countenance this time. If it was not in his star to have children, what was the point in looking for a bride who was destined to have children? By astrological logic, his wife could bear children. By rational inference, that would happen only if she was unfaithful.

Seshan was capable of positing such questions to himself ruthlessly even in those days. He enjoyed calling a spade a spade, even more than that. When he posed that question to his father after a long search for brides, there was no impertinence meant. It was mere cold logic. But no son ever spoke so plainly to his father. The father was visibly annoyed. He said: "You are stupid. You don't know what you are saying—and to whom." Never before or after had Seshan seen his father so tense.

The son had his point. And he had his way. When he deciphered the language of stars finally, there was no fear, no worry. Whatever was to happen would happen. It would be pointless to look for ways to deceive stars and gods. He opted for the first girl whose horoscope he had seen and Jayalakshmi became his wife. Nothing upset them. The stargazers' prediction was true. They were not to have children.

"The whole world of children", as Seshan was wont to repeat later, "is our family." Children engaged him. They have a special place in his company, wherever he is, whatever his preoccupation. He would be a different man when children were around. He might be busy taking on an obstreperous official or countermanding an election but he would have all the time in the world for children's pranks.

He would treat them as his own, as he did Subramanian Swamy's daughter. During her wedding, it was Seshan who did everything, receiving guests, arranging feasts, cleaning up places, buying vegetables, everything. He worked like a ubiquitous human dynamo. The man who inspired terror in those who came into conflict with him would be perfectly childlike in the company of children, whether they came to seek his advice or tease him, pointing to his bald pate or tough exterior.

There are few important Indian horoscopes Seshan has not seen. Someone had told Indira Gandhi about Seshan's hobbies when she was in Madurai during an election campaign. Seshan was the District Collector there. Indira Gandhi was yet nowhere near power, except that she was her father's daughter holding an important position in the party. She might not have imagined then that she was going to be one of the most powerful women in the world, that she was capable of doing everything necessary to gain and retain that power. That was one of Seshan's earliest predictions as an amateur astrologer.

The predictability of the future. Seshan believes in it. There are those who say that the thrill of life is its essential uncertainty, that the fear of death is yet not oppressive because one is not certain that it will strike tomorrow or the next moment. Seshan believes that it is possible to foresee the possible course of events, good or bad. They have a predetermined rhythm, an unalterable pace. If one learns to look at human destiny, say, by correlating it to the movements of stars, one can predict it with a degree of accuracy. Uncertainty is, to a great extent, dispelled. Certitude marks life. Seshan is not daunted by certitudes, by the fluctuating shadows of the future.

Is there a statistical basis for astrology? Does it have a scientific methodology? Seshan's answer to the first question is "yes". The second question he turns around and asks himself or others whether surgery is an art or a science. One surgeon rips open the human body with a butcher's flair. Another surgeon does it with a painter's finesse. Both have the same training and the same knowledge and work for the same result. Yet the show is so different. The result still more. There is something beyond the apparent, something inexplicable that makes one say the right things or do them in the right manner. Call it intuition.

The essence of dynamic astrology is intuition. It is not enough to be able to calculate the movements of stars and interpret their implications textually. Such knowledge without intuition is not helpful when it comes to predicting the future. Seshan's own experience is that his predictions have been largely correct whenever he attempts them with a quiet mind, after an hour of meditation. Whenever his mind is ruffled, his predictions, made with arithmetical precision, could be wide off the mark.

But his essays in static astrology, analysing things as they are, are by and large accurate. He can say with a high degree of accuracy what a man's qualities are after looking at his horoscope, whether he is honest or devious, healthy or prone to palsy and so on. But character study is not what an astrologer's client would want. It is no use hearing an astrologer tell one that one is intelligent or handsome or both. It is no great fun even if that statement is true. One has always known that one is handsome and intelligent and honest. Seshan is only too well aware of that human weakness. "Who cares for such observations of static astrology?" he asks fiddling with a steel ring on his forefinger, one of his three rings. He is not fond of jewellery.

Yet he wears a light gold chain round his neck and another made of colourful beads. The gold chain was made sometime ago to dangle a small pendant of nine precious stones. The pendant had been presented as a talisman, so affectionately, by a priest. It was supposed to do him good. The other chain was a gift from Sai Baba of Puttaparthy, a spiritual leader whose following is extensive in the high echelons of society. When he was gifted those articles with such concern and affection, he did not say "no". Their gesture moved him, not so their gifts. One of these days, the ornaments may be put back in a box.

One of his rings, the oldest, was put on his finger by his wife. Long ago, when they were married. That is perhaps the only ornament, a light ring weighing five or six grams, he would not discard. Its symbolism is too powerful to resist, even for Seshan who is not easily overwhelmed by sentiments. The other two rings, one costly and the other made of steel, have a different history.

The costly ring is foreign. Made in gold, it has a little, beautiful blue sapphire on it, a gift from a nephew who is a scientist based in America. He had come home wearing the ring, not perhaps he was fond of it himself. Seshan took it from him, again not because he was fond of gold or sapphire. Some spiritual person who once visited him had suggested that he wear a blue sapphire for his well-being. Months later, the nephew's ring came in handy.

The steel ring with the figure of Shirdi Sai Baba engraved on it materialised one day beneath a sofa in his drawing room. It came, as it were, from nowhere. A senior police officer, who is believed to have spiritual powers, had come to see him. He had a look at Seshan's horoscope and predicted that a period of glory awaited him. To fortify his prediction, he said Seshan had Shirdi Sai Baba's blessings. When Seshan looked rather unexcited, he was asked to move a step away and shift a sofa to another part of the room. Beneath it lay that steel ring. Seshan did not bother to reason with himself. He put it on and that became another ornament, a new talisman.

Fiddling with that steel ring, Seshan pondered. The state of Indian astrology depressed him. Like many other facets of India depressed him. Astrology has become a business, pure and simple. Astrologers have become, literally, sooth-sayers because their clients like to hear nothing but soothing words from them. Those who are in the business of prediction know it only too well that there is no money in bad tidings. Truth, if its face is ugly, would better be concealed from those who anxiously wait to have a glimpse of it. The old Sanskrit maxim is: satyam bruyad priyam bruyad, na bruyad satyam apriyam. Speak the truth, the pleasant truth; never speak the unpleasant truth.

It is a different matter whether the face of truth shrouded in the future can be seen at all with the help of Indian almanacs made on traditional lines. They have inherent errors resulting from wrong calculations of the movements of the sun and stars. All formulations made on the basis of such a faulty assessment of time have to be necessarily wrong. But none, neither the astrologer nor his client, is bothered. Money is the former's preoccupation. The latter wants to be told only what he likes.

Money did not matter to the ascetic astrologer in times that lie beyond memory. A little rice on a piece of leaf, two yards of cloth, anything was enough for him. He did not read the future to please anyone or earn money. He did not trade his knowledge. He shared it with others by force of habit. His successors have made a business, often a lucrative business, out of it. Who cares as long as money is earned and clients are happy? Ruminating over them, Seshan would pray: "Stars, be sentinel!"

5

Where Vilwams Grew

Time was when there was a luxuriant growth of vilwam(bael) trees in that village on the outskirts of what is now known as Palakkad in Kerala. Unlike today when places are named after people who yearn to immortalize themselves, toponymy was then closely related to geophysical features of a territory. Gandhi Nagars and Jamsehdpurs and Anna Salais had not yet set the trend of naming places after people. People were still identified by places where they were born or lived. And, places took their names from an aspect of nature, an undulating rock, a balding hillock, an oddly shaped bend of a stream, a solitary tree or a network of birds' nests.

Tiruvilwakkadavu was a little, sleepy, unpretentious place on the bank of a little river where vilwam, a holy fruit tree so dear to Shiva, grew in wild abundance. Seshan who was born of a brahman family there in 1933 thus became Tiruvilwakkadavu Narayana Iyer Seshan. The sonorous, pictorial name of that village was later corrupted mindlessly, in a colloquial invasion, just as several other resonant names were distorted to suit the rigidity of the English tongue. Tiruvilwakkadavu became Tirunellai, easier for outsiders to pronounce, though unrelated to its character.

Tirunellai Narayana Iyer Seshan had nothing, almost nothing, to do with Tirunellai. Long before he was born, vilwam trees had all gone, not probably felled by poachers.

Vilwam yields little timber. Man had use only for its fruit, as a medicine, and its leaves, as offerings to Shiva. Yet vilwam vanished from there, leaving its memory only in the name of that village. And the name was corrupted, and vilwam rooted totally out. Seshan has not visited more than once or twice his ancestral home in that village after which he is named. He always dreaded spending nights there, whenever his father took him home.

The old house had been built by his grandfather. Its interior was dark, even during the day. Darkness, more than anything else, scared Seshan. He would conjure up visions of invisible apparitions slithering through that flood of darkness as he went deep down into it. Such fantasy was scary but exciting. Not so that acute unawareness darkness inspired, concealing within itself myriad unknowable things. That un-knowledge was oppressive. After nightfall, darkness would be total in that brahman colony of Tirunellai. Electricity was to take several years to reach there. The only occasion Seshan had to suffer Tirunellai's darkness was when his grandmother died. Once was enough.

There was, luckily, another place of light where Seshan grew up, a spacious, though rickety, house Narayana Iyer had rented in the town for his wife and children. He needed a place close to the court where he argued civil cases for many years, earning enough money. One decision he had taken when he started out as a practising lawyer several years ago was that he would have no criminal brief. Civil cases, as it turned out, were enough to earn him adequate money. In later years, Narayana Iyer acquired a hundred acres of paddy fields and coconut groves which he was wise enough to sell off before land reform movement was furiously initiated in Kerala with the advent of the communist ministry in 1957.

Narayana Iyer had studied Law in Madras, financing his course himself, after a stint as a school teacher in a town near his village. The lawyer's rented house, an old ramshackle palace of a breaking feudal family, stood in a sprawling compound full of kadali plantains and tall coconut trees, which swayed with an uncanny rhythm in the music of rain and wind. The palace was well-lit with electricity. It left no room for ethereal beings to play hide and seek. Light drove them away. Seshan never liked moving out of that little world of light and security.

The ancestors had come probably from Tanjavur three or four hundred years ago. Hordes of brahman families had migrated from the Tamil territory, particularly from the Tamraparni delta around Tirunelveli, to the plains and the foothills on the western side of the Western Ghats over a period of time. Chroniclers of the hoary past have come up with several theories about that uncelebrated exodus. One widely accepted theory is that large number of brahman families, long used to a plenitude of water and vegetables, fled their homelands when drought hit them. It was a veritable search for water and greenery.

The exodus which crossed the Western Ghats in disparate groups were to form a small new community of people in the valley of the mountain ranges which mark Kerala out and far beyond. Most of them set up homes not far away from the foothills, near Nila, Kerala's cultural nursery or its tributaries. Those who settled down in Tirunellai took their names from that village. Those born in Sekharipuram were named after that, those in Noorani after that and so on. People were known by their respective agraharams, as brahman colonies are called. There were 92 such settlements in that area where a sub-stream of Tamil brahman culture flourished, drawing upon the tributaries of Kerala's heritage.

Palakkad is a place which has produced "cooks, clerks, crooks and musicians," as Seshan is wont to repeat to regale his audience. He would often wonder, mocking at himself with unconcealed glee, which of those titles would befit him. "Perhaps the third", he would say to make his idle audience chuckle over that self-flagellation. He would not tell them that there is perhaps something of everything in him. He is somewhat of a good cook, good in south Indian cuisine. He even enjoys cooking except for the physical exertion it involves. Palakkad is also known for a lilting lingo the long lineage of the Iyers from Tamil lands across the mountains produced over the centuries. It is an admixture of Tamil and Malayalam. There is no script. Seshan was born to it.

Wags, like Seshan, call it Talayalam with relish and possessiveness. Tamilians will not accept it as Tamil. They have to strain to make out that lingo which has an overdose of Malayalam words. Malayalis may not follow it fully, if they are not conversant with Tamil. Yet, Talayalam is a distinctive spoken language. One creative writer in Malayalam, Malayattoor Ramakrishnan, who belongs to that lineage and who opted out of IAS to devote himself to writing long before Seshan became a Secretary in New Delhi, has woven beautiful stories out of his lingo and lineage.

The influence of that lingo never ceases even after those who grow up speaking it at home receive the best of English education. Seshan is at home most when he speaks his favourite Talayalam, reciting, so unmusically, lines of Sanjayan, who wrote humorous poetry in Malayalam when he was afflicted by sorrow and physical pain, and Kannadasan who composed philosophical lyrics for Tamil melodrama. The hero of the films for which Kannadasan composed his mellifluous songs was a man who later became a politician with whom Seshan was to have a grim encounter in years to come.

The traditional discipline under which he grew up was rigid. No food was to be eaten from anywhere outside home. Until he moved to Madras for his graduate studies in 1949 Seshan had not eaten a meal or taken a cup of tea from anywhere but his own or relatives' houses. Pants were allowed only after he went to an intermediate college in Palakkad in 1947. No wrist watch, no full sleeves. Tradition prescribed austerity. Decades later, when he climbed the stairs of bureaucracy, when ceremonies and official etiquette required him to be heavily clad in Western attire, suit and appropriately coloured tie and shoes, Seshan would be back home in the evenings, impatient to discard it all and wrap himself in his favourite white dhoti and round-necked vest.

He would stay away from a dinner if formal dress was prescribed. He would excuse himself if food was to be served in late hours after a heavy round of drinks which he could not take. To meetings of the council of ministers, he would go with his sandals on. He made himself acceptable in whatever form he went. The awe-inspiring Chief Election Commissioner would take on a mien, somewhat like a simple old village school master, when he sat on the floor, legs outstretched, for a long chat with guests for whom all his furniture was reserved. There is something about the hard floor that makes his movements informal. Furniture, perhaps, distances people among themselves.

It was a culture of austerity in which he was groomed. There was no lack of money to buy things but there was to be no craze to buy. Narayana Iyer had enough money to give his six children all they needed and much of what they wanted. But wants were to be curbed. That was an unspoken, unwritten rule which no one could defy. In spite of that severe brahman upbringing, there was something so distinctive an aspect of a traditional brahman which Seshan never had: the tuft.

Those were days when brahmans, particularly Namboodiris of Kerala, had still not given up their casteist hair style. Many a young Namboodiri who cropped his hair in a fit of fashion would hear his father ask him not to show his face around thereafter. But times had changed in Tirunellai, at least in Narayana Iyer's household. He never insisted that his sons should have a distinctively casteist hair style. Cropped hair or discarded tuft was no affront to brahmanhood. That was a social revolution on a small scale.

There was no participation in student movement, much less political activity, which had become so intense and so absorbing during Seshan's last years in school and early college period. The freedom movement was ending when Seshan passed out of school. The afterglow of that struggle did not light any political fire in him. He was not so much as thrilled by the sound and colour of politics. Other colours and sounds that usually burn in young minds also did not consume Seshan, a shy teenager whose only obsession was his homework.

It used to be said that it was only natural for educated youngmen, more particularly those days, to turn to militant politics and fall in love. Youth would not be complete, it was thought, without a love affair that ended in frustration and a short course under the tutelage of firebrand leaders. Such things were the bliss of youth though most people might go in different ways in later years. No such thing ever interested Seshan. No politics. No love. Textbooks alone governed his mind. He was too serious a boy.

No friendships of his boyhood have shaped into a lasting emotional bond. Friendship has, to Seshan, a different connotation. He cannot think of anyone who moved him sentimentally, whose company he felt sad to part, whose secrets he shared, in whom he reposed absolute confidence, who needed him to survive. Warmth of sentiment hardly animated his relationships. There was only a degree of goodwill or a sense of duty that marked his friendships. So is it to this day. Not many are there to call friends in a sentimental sense, he would say. Not that he is pathologically unfriendly. It is just that a friendship does not overwhelm him. He does not allow any relationship to take hold of him, creating a mood of acute dependance.

"I will not die for anybody. No one will die for me." Such cold realism in his approach to human relationships was what marked his friendships and hostilities, such as they were, in his early days. Years only tempered it. The fact is Seshan has never needed human company for emotional succour. He can exist by himself. By severe self-discipline, he has learnt to be at peace with himself, never feeling lonely when he is not in company, never dissolved in a crowd.

Perhaps because of that mental make-up, people do not involve him; in them, he inspires a feeling of distance. His countenance keeps many away. He has perfected his profile in such a way as to curb intimacy. The distance, or proximity, is but a philosophical stance. Seshan always remains—and likes to remain—a remote man to many people who come physically close to him, even when he salutes them—or shouts at them.

His date of birth was falsified, as was often done those days, to gain early admission to school. Primary education began, not from the first standard, but the third. Seshan who had some elementary tuition at home was fit to go straight to the third standard when he was admitted to the first standard. When he was taken to school first, the headmaster's suggestion was that the boy sit back at home for another year to come of age. He would by then come down to others' level.

Narayana Iyer demurred. He could not let one year be wasted. It was pointless to wait for the calendar to turn before his son could be admitted to school. Yet the restrictive admission rule had to be obeyed. The choice was between losing one year and falsifying the date of birth by a few months. The boy had to be shown as a little older than he was; not younger. Narayana Iyer thanked god for making it that way. So Seshan's date of birth was artificially advanced from June 15, 1933 to December 15, 1932. The date of birth had been fixed according to the position of stars. There are always, evidently, some ways to deceive them.

Seshan does not remember having been second to anyone in any class in his school. He was the youngest in his class. And always the first. Yet he had to take the final school examination twice. When he took it first, it was cancelled following a question paper leak. So it happened when he appeared for the intermediate examination also. In both examinations, he was the topper. In later years, that repeated "failure" proved useful in entertaining people. He was to put that episode to humorous use while recalling his boyhood in conversations with friends or public talks for which he began getting countless invitations after he became the Chief Election Commissioner.

He would say with a glum face: "I have the distinction of having taken two examinations twice. I appeared twice for the school final examination. Then I had to go through the intermediate examination also twice." That was a clever, if mischievous, attempt to smash his own image of intellectual superiority. The listeners would be startled, not so much by that revelation as by that willingness to declare one's own dullness. And then would come the disclosure that he had to take examinations twice because they had been cancelled in the first round. Such surprises Seshan likes to spring, now and again, teasing his audience as a matter of habit.

Engineering was his passion. No college in Madras gave him a seat. There were four of them but, what with communal reservation which was prevalent in the Madras State of those days, Seshan got no call from anywhere. One college in Anantapur offered at last to take him for a course in civil engineering but Seshan's unalterable choice was electrical engineering. He would have either that or none.

That or none. Nothing in between. That was his trait from the beginning. That trait was to grow later into a rigidity which made Seshan revel in choosing between hard, limited options. He would not go in for soft options or adjust himself to a multitude of them. That was what might be called a streak of emotional extremism.

Since engineering colleges were shut out for him, his next option was research. But he could not go where he wanted. Both those plans aborted, Seshan joined Madras Christian College as a physics honours student. He could have joined any of Madras's best colleges but Christian College was preferred for reasons he had not thought of then.

Presidency College, it used to be said, was the haven of aristocrats, Loyola College of slaves and Pachayyappa's College of rowdies. Christian College was an institution of gentlemen. Did Seshan join it because he thought he was a gentleman or wanted to be one? Today he is not quite sure of what he thought then. Or what he has become now.

When he passed out from Madras Christian College with a gold medal, age was again against him. His brother had already joined the administrative service and that was regarded as the natural choice for Seshan too. But he would be old enough to take the civil services examination only a year later. To bide time, Seshan went to his professor who readily made him a laboratory demonstrator and later a lecturer.

When he was eligible, he took the IPS examination and topped the list as he had expected. But police uniform was not what he admired and, therefore, rejected the offer. He had taken the examination more as an experiment, as a self-test which he likes to give himself even today. Only that the intensity and the nature of self-tests are different now.

Life away from home was to be as austere as it ever was. The whole period of three years as a student and three years as a teacher passed off eventlessly because Seshan had started being severe to himself right in the beginning. There was no time for fun or merriment. There was no felt need. It is not merely human company that Seshan does not need for emotional fulfilment. He can do happily without entertainment.

He has not read fiction for the last twenty years. The last time he went to a theatre was in 1970 when he was in Bombay. That was because of somebody's compulsion which he could not resist. He remembers the boredom that film induced, not its name or story or actors. Since then he has had to see a movie or two by way of compulsion from a friend who might be associated with its production or distribution. One such film was Roja. Another was Shankaracharya. On an average, one film is his allowance for a year. Video players, four of them, often remain off. A dish antenna he had set up at his own cost is almost totally useless.

Seshan never had athletic tastes. He played tennis for a few years—more to reduce his weight than to enjoy himself. He would not mind watching a play if it did not upset any other plan, if he had nothing else to do. He learnt classical music since his sisters were being taught music. He played violin for a while but never bothered to rise to the level of a violinist who could hold a concert. His knowledge of classical music is considerable. So is his grounding in the theory of dance.

But Seshan does not dance. Nor sing. He is not a whit plaintive when he says god has not given him the gift of voice. In moments of happiness or unhappiness, he would sing—mentally. When lines of songs or poems linger on his lips, they would take on a sound characteristically unmusical. It is rarely that people whose theoretical knowledge of music is so thorough sound so clumsy when they attempt to sing. Music is so dear to him but there is no music in his articulation. Even music, which he knows best, is not a passion, never a consuming passion. "No passion should consume you!" That is his commandment to himself.

It is an extreme commandment Seshan tries to follow with a penchant for self-torture, an urge to overreach himself. The endeavour is to deny himself what he desires at any given moment. Anything intensely desired should be abjured. There was a time when he used to down a dozen or more cups of coffee. Coffee was beginning to take hold of him, physically and mentally. The reality of something or someone holding him in thrall was repugnant and Seshan decided he would not taste coffee or tea thereafter. It was a vow.

The vow was broken in Dehra Dun where it was not possible to take a glass of water or buttermilk in dreary winter months. He was to hold long negotiations with the leaders of 63 trade unions of Oil and Natural Gas Commission as the Member in charge of personnel policy. It was in the course of one of those negotiations in 1978 that Seshan allowed himself a major concession. His throat was dry. He decided to be lenient to himself. One cup of tea; that was a generous concession. He would now permit himself tea, black or brown, but always without sugar. Never more than five cups a day.

Tea is his lunch. One cup of black sugarless tea. Breakfast is three-fourths of a glass of milk and cornflakes adequate for a four-year old. There is only one meal a day, dinner, which necessarily avoids all rooted and fried vegetables and everything remotely non-vegetarian. He decided to eat as little as possible, just enough to quench hunger but not to whet his palate, not entirely for philosophical reasons. The decision to nearly starve himself was taken when he was running up the stairs of South Block to keep pace with Prime Minister Rajiv Gandhi whom he was escorting to an intimidating place called the War Room.

The Defence Minister and the chiefs of staff of the army, the navy and the air force had already assembled. The two others who had right of entry to the War Room were the Prime Minister and the Defence Secretary. Seshan was the Defence Secretary. As a gasping Defence Secretary dragged his heavy bulk behind the Prime Minister, a shower of questions was coming from the man in front. Replies, forced out of a dry and breathless throat, were inaudible. That was when Seshan told himself: "India's Defence Secretary could not be panting."

Doctors' advice was inevitable. Seshan should slim himself and the prescription was a series of exercises. Physical exercise was the last thing the Defence Secretary enjoyed. One of the worst things that can happen to a man is that he has to carry his body around, move his limbs to pick up a thing or reach a place. Such physical exertion is of the essence of the human tragedy. Given an option, he would let his body rest wherever it does. It should be moved only when movement was obligatory. So the prescription of physical exercises was not very pleasant.

The alternative was starvation which he enthusiastically chose. That he could reduce his weight by 21 kilograms in the next four years was no mean feat, a tribute to his genius for being severe to himself. It is a different matter that a slimmed Seshan is still a very fat man. That spell of starvation was more delightful than useful. More than reducing his weight, it gave Seshan a chance to test his own will-power by denying himself delicious dosas and spicy sambar and a wide variety of fried south Indian cuisine.

He would go one step further, if he felt like, with his self-tests. Whenever he found himself desiring anything intensely, he would try to refrain from it, if for a short while. He would not take water just when he was thirsty. Put off thirst for a while. He would switch off his tape-recorder when he felt he was beginning to be lost in music. Music should not overwhelm him. He would not go to the toilet when he felt his bowels had to be emptied. Laws of physiology do not rule him, at least not absolutely.

Deny oneself what one desires. The attempt is to control every urge as far as possible, establishing the power of will over the world of matter. And it has been, Seshan claims, possible to a large extent in the course of this process of self-discovery. The imaginary model he has set for himself is one who goes beyond himself, one who is superhuman. Yogis call it chittavrittinirodham, resisting mind's impulses.

Seshan was talking about the rigours and virtues of chittavrittinirodham one day when one of his several phones rang. It was not early in the night, well past ten. Seshan was seated on the carpet, as he always did, leaving his heavily upholstered chairs to serve as storing places for books or journals or other odd objects. He picked up the receiver lazily, as if it was an effort. When Seshan was at home, no one else would take the phone. When he was not at home, no one would answer it.

This time the call was from someone in Tirunelveli. The operator asked Seshan to hold on and played that music which had long become boring with its familiarity. Who the hell was that man who asked him to hold on? Who was he to play music to entertain him? The operator would have frozen into speechlessness. Then would come another ring from Pune, some Sahasrabudhe or Ayutabudhe inviting him to a seminar on leadership training two months later. For some unknown reason, he had chosen that hour of the night to extend the invitation. Seshan's voice rose, its edge so well in evidence. Before a moment passed, Sahasrabudhe went off the line without so much as daring an apology. Seshan's shout is no delight to hear.

Having shouted, he wondered whether anger was not taking hold of him. He had told himself times without number that yoga is his life's ideal. Yoga is chittavrittinirodham, control of impulses. Yogis cannot be unquiet.

Yogis of old knew how hard is chittavrittinirdoham, how impossible it might seem. Jamadagni was a yogi of yogis. He resented his wife Renuka's action once. The sage was suspicious. Suspicion shattered his equanimity. In a fit of anger, he asked his son to kill his disloyal mother. The loyal son beheaded her without a moment's thought or regret. And then the affectionate son asked his father for a boon: his innocent mother's life. Jamadagni was remorseful after his initial spell of rage. He could not resist his son's request. And Renuka was brought back to life.

Jamadagni's son, Parasurama, knew the power of temptations and the glory of overcoming them. Parasurama was the legendary brahman who reclaimed from the sea a patch of land called Kerala where Seshan was born aeons later.

6

Portrait of a Jockey

The beginning was like the end. That is, if Seshan is not to have another assignment in his official career. By an electoral accident as it were, poll-related work was what he had to take up first when he started his IAS career. Seshan was completing his field training in Tamil Nadu's sprawling Coimbatore District in March 1957 when India's second general elections were announced. The end of his training and the declaration of polls so coincided that he had to take up election work before he could join any regular post.

The rule forbidding transfer and posting of officials after the announcement of any election, which later in his time as the Chief Election Commissioner he was to enforce sternly, was being followed religiously by the powers that be in those early days of Indian democracy. Since the election process was on, Seshan who was to take up his first appointment around that time found himself without a posting for a few weeks.

The Collector of Coimbatore, R C Joseph, with whom Seshan was attached as an IAS trainee, had by then begun to like his young ward. When the decision came that no appointments would be made until the elections were over, Joseph suggested that the trainee officer put his time to the best use by assisting him in election work. That was Seshan's first exposure to elections as a voter or a manager.

Elections never held his interest. The clash of ideologies which competed for power hardly thrilled him. He had not cast his vote in the first general elections. He was not old enough to have the right to vote. The other election he had seen was in his college in which he had still less interest than in the wider countrywide exercise with which he suddenly found himself associated.

Collector Joseph was not as stern or severe as Seshan was going to be three decades later. As they were getting busy with election work, Joseph told Seshan grimly: "Get started. I will hold you responsible for everything that goes wrong with the election or right with the election." The trainee officer took that warning literally and tried to learn all that was possible to learn about elections in six weeks. Thirty-three years later when Seshan was appointed the Chief Election Commissioner, he remembered Joseph thankfully. In thirty-three years, so much had happened in him and around him.

The field training in Coimbatore, where textile mills and paddy fields equally contributed to the district economy, was a rigorous drill. Drudgery and poverty stalked its villages. The city was comparatively affluent. Mill workers had been organised to fight militant battles for higher wages. After shouting revolutionary slogans during an agitation on a turbulent evening, they would go to pray in a Murukan shrine the next morning. Coimbatore was dotted by countless temples where the presiding deity was Murukan, son of Shiva and Parvati, known as Subramania elsewhere. Faith and atheism blended in the social matrix.

The trainee officer had to familiarise himself with the work in every department and learn all its rules and regulations. And even pass tests. A village had to be taken up for special study and a socio-economic report submitted to the Collector. Seshan enjoyed going round the sprawling district, its rich rice fields and poor villages, growing textile mills and the hills of Palani where stood the great Murukan temple. He surveyed a hamlet and its profile drawn by him earned Joseph's commendation. Such diligence and dedication was rarely seen in trainees whom Joseph had occasion to groom.

The training in Delhi for one year that preceded the field work in Coimbatore exposed Seshan to something he immensely enjoyed: horse riding. Horse riding had been introduced in the administrative curriculum long ago when vast parts of India where officers had to go were inaccessible by motor vehicles. Horses alone could reach there and those who could not ride them were bound to be consigned to a spell of disgraceful remoteness and sloth. The equestrian posture of the officer inspired an aura of awe and reverence in the famished villages or cloistered hills his horse trotted with thundering majesty.

Horses were no longer required for travel when Seshan was entering service. The situation had visibly changed, most parts of the land having become accessible by jeeps. Later jeeps were to force their wheels through places where even horses would fear to tread but horse riding was not dropped from the list of skills an administrative officer was to learn. The majesty of the horse and the memory of the old era could not be abandoned easily.

Rightly so, Seshan would say. Not for the conventional reasons. Not because an officer mounted on a horse could project a profile of majesty in the midst of impoverished people. It is not merely to reach somewhere that one should ride. Riding inspires in one, more than any other drill, a confidence to face every situation. Those without confidence are thrown off horseback. The horse has an uncanny sense to know if its rider is nervous, vibrations of his thighs giving himself away. One thing the horse never tolerates is timidity.

And, timidity can make miserable the life of a civil servant who has to deal with politicians who, like horses, are far more powerful than him though not necessarily more intelligent. Seshan finds considerable likeness between riding a horse and tackling a politician. From a civil servant's point of view, there is, to that extent, a similarity between horses and politicians. When he works with powerful and unruly politicians, he better be in possession of himself, never revealing a trace of diffidence. Any vibration that signalled a lack of confidence would throw him overboard.

Seshan was always in possession of himself when he went for riding in Delhi Police Lines. He was not an ace jockey but not once was he thrown off horseback. He was always cautious, whether it was an animal he dealt with or a man. Much as he is willing to believe people, he would not let him be taken for a ride. "It is not that I distrust people. I don't like being betrayed." To avert a betrayal or a fall, he would take every step with caution. No horse caught him unawares. Almost every batch-mate of his had fallen more than once.

Seshan was full of admiration for one of them: Vedanarayanan. When others, visibly unsure of themselves, struggled to climb the smallest horse, Vedanarayanan would dash for the biggest animal around. He would not go through the various stages of walking and trotting and cantering. He would climb a horse and gallop straight ahead. Nothing daunted Vedanarayanan. He never fell down. Seshan had no such daredevilry but he was confident he could manage powerful horses without being thrown off. In later years he hoped to find political horses easier to manage.

How hard it could be he learnt four years after his training when he was a deputy secretary in the department of rural development in Madras. Seshan had been marked as a development man among his peers. He was serving as sub-collector in Dindigul, his first assignment, in 1957-58 when he was chosen for a short course in rural development administration in Mussoorie. The course over, Seshan was logically posted in a development department which had at its helm a political person who thought well of himself as the additional development commissioner.

He was a mighty man, Kamaraj's factotum. Kamaraj, whose stock phrase, paakkalaam (let us see), was regarded as an expression of ultimate erudition, was then Tamil

Nadu's powerful Chief Minister. His power had infected his crony in the development department too. He was perhaps the first political horse whom Seshan had to tackle. The ride was rather hard. The horse was unruly. It had been bred in Kamaraj's political stud farm. If Seshan escaped unhurt, it was not entirely because of his genius for riding.

He was young. There were no traces of that extreme combativeness he was to develop in himself over the years. He went in for a soft option. That was perhaps one of the few occasions Seshan ever chose the soft way. But it did not turn out to be soft eventually. When he sought a transfer from the development department which was being run by a political officer, Chief Secretary R A Gopalaswamy looked askance. Gopalaswamy was fond of Seshan all along. When his request for transfer from a department where Kamaraj's crony was in command, Gopalaswamy was nonplussed.

The Chief Secretary knew it would do neither him nor Seshan any good to take on a man who was known to have the Chief Minister's ears. How to hush up the issue without Kamaraj coming to know about it was Gopalaswamy's worry. If his factotum carried the story to the Chief Minister, he may, for once, skip his stock phrase, "paakkalaam". Gopalaswamy was ponderous. How could a young officer dare stand up to a political figure close to Kamaraj? As he thought over it, Gopalaswamy was annoyed and did not so much as conceal his annoyance. He dismissed Seshan curtly. He would hear from the Chief Secretary in course of time. So he was told.

In course of time, he did not hear. He saw—an order of his transfer. In the course of the day after his meeting with Gopalaswamy, Seshan was transferred not once, not twice but seven times. The moment he took position behind a desk where he was posted, a fresh order shifting him elsewhere would land on his table. That was what could happen if anyone fell foul of Kamaraj's man. Whether because Gopalswamy was unable to decide which would be a suitably unimportant post for the insolent officer or because he had instructions to keep on moving Seshan by way of an ingenious punishment, a record of sorts was set in the annals of administration. No one else has ever been transferred so many times in so short a period.

Late in the day Gopalaswamy rang up Seshan to say that he was being moved out of Madras as a special officer to arrange the formation of a new district of Krishnagiri where he would have no official residence yet. It was to be shown as a punishment posting. It was also intended to cause hardships to Seshan. The Chief Secretary expected to see Seshan coming up to him on all fours. He didn't. Nothing could easily hurt him when he knew what he was doing.

What was he going to do with Jayalakshmi whom he had married a year ago? Gopalaswamy was rather solicitous, not Seshan. He had already built a spacious house in Madras where he could leave his wife for a while when he went out to Krishnagiri on a not-so-coveted assignment. He could find a hole large enough to curl up in Krishnagiri. There was a tinge of effrontery in his tone when he told the Chief Secretary that he knew that it was not the government's responsibility to look after his wife.

The Chief Secretary was even more irked and suspicious when he sent for Seshan the next morning. What began like a no-nonsense meeting opened with a question. Did Seshan know R Venkataraman? Yes. Had he seen him the previous day? No. There was no reason why he should call on the Industry and Transport Minister who did not know him. What intrigued Gopalaswamy was that Venkataraman had sent word that he would like to have Seshan as his director of transport. How could a minister have done that if someone had not approached him with a request?

When he knew what was bothering the Chief Secretary, Seshan volunteered a piece of information. His brother, Lakshminarayanan, was the Industry Secretary but he would not have spoken to Venkataraman a word about Seshan's seventh posting in a single day. There was an understanding that the two brothers would not mix their personal relations with office matters. Gopalaswamy was not amused. Whether he liked it or not, what he had finally planned for Seshan did not materialise. Seshan did not have to go to Krishnagiri. He joined Venkataraman's department as the director of transport and then began a lasting relationship that was never confined to the secretariat's cloistered rooms.

"The director of transport is a cruel man." That was a comment recorded on a government file by none other than Lakshminarayanan, his brother, in his capacity as the Industry Secretary. The occasion was when a cleaner in the transport department was suspended for driving a bus within the garage. This was a violation of an order issued by the new director of transport prohibiting anyone other than drivers or other authorised persons to take buses around. Several people had been knocked down within the garage when those who had no licence or training drove buses around. Seshan stopped it with an iron hand and all workers accepted his decision wholeheartedly.

Their mood however changed when Nallamuthu, a cleaner, was suspended. Threats of agitation followed. Before them came representations from Nallamuthu himself, his family members and labour leaders. They knew that there would be extreme punishment after the inquiry. They also knew how the director of transport might go about. His style was by then well-known. His image was anti-labour. Workers had come to recognise that lenience was not what they should ever expect from the young director. Hence Nallamuthu's representation to Lakshminarayanan who had cultivated a pro-labour image while working under Venkataraman who was himself a leader of several labour unions.

The quarrel between the Industry Secretary and the director of transport was taking a serious turn when Venkataraman intervened. The Secretary favoured a lenient view of the offence and withdrawal of the suspension. Else, a family would suffer and workers would turn restive. The director's argument was that discipline was a matter of top priority in a department which was going wayward. That an offence like that should invite extreme punishment had been agreed by labour unions also during negotiations. There could not be a one-time exception without a show of administrative weakness, and administrative weakness would defeat all efforts made so far to restore discipline.

Finally, the Minister intervened. It was embarrassing to sit in judgment over a dispute in which the two brothers whom he liked equally had taken unremitting positions. Seshan's case was that he had a department with thousands of workers to run and he could not afford the luxury of being nice to everybody. The Secretary was not encumbered by any such consideration and therefore he could be a good man full of kindness. Not so Seshan. The Minister sent away both, taking over the case himself.

Two days later, news reached Seshan. The minister's one-line order pleased him. His ruthlessness had been endorsed by Venkataraman who was quite unlike him in temperament.

That profile of ruthlessness had been noticed by another person: T A Varghese who became the Chief Secretary after a record stint as the Finance Secretary for 14 years. Seshan was doing an odd job when Varghese spotted him. Tamil Nadu was passing through a period of food shortage in several parts of the state. The movement of foodgrains from place to place was slow. Wagons were not readily available. As an emergency measure, Varghese, who had been asked to study the bottlenecks in civil supplies, suggested that the state government set up four depots where it could store foodgrains in adequate quantities to meet contingencies.

The job was entrusted to Seshan who got a curious designation as DC(CSGC). Such short forms had always amused him and he would puzzle others by identifying himself by those abbreviated titles. As the Deputy Commissioner(Civil Supplies, Godown Construction),he did not last long. For his job, which involved a wide range of such tedious procedures as acquisition of land and floating of tenders, was completed in less than three months, six days ahead of the deadline. No one said anything particular about the amazing speed at which work was done because those who knew Seshan had assumed that it was inevitable.

There is something in his system which turns violent when any predetermined target is not met. The credo is "no deadline shall ever remain live." Those who work with him would better readjust their pace, their sense of time. Those who cannot catch up with him are most certainly going to be hurt. Years later when he became the Chief Election Commissioner, that passion for punctuality grew so extreme that press notes from Nirvachan Sadan would be delivered in newspaper offices when the day's edition was folding up. No great harm might befall if most of those pressnotes were sent out after the next sunrise but Seshan had left an impression that he would not care to wait even for the sun.

The godown construction was well behind him when one early morning Seshan's phone rang. The sing-song voice of Varghese who liked to talk in riddles concealed the urgency of the order he was giving. "Seshan, you are going to Madurai." He had made an attempt to go to Madurai the previous day. He could not. The airport there was flooded. A train had been washed away. Rail tracks had been disrupted. Surging water had cut off several parts of the state, Rameswaram in particular.

The director of transport had planned an inspection tour which he was not willing to abandon merely because rain gods were furious. When it was known that all flights had been cancelled. Rail travel could be uncertain. Once he decided he would drive down, the best part of the day was spent in route planning and getting his station wagon ready for all eventualities. Finally, when he was told that his station wagon might not be good enough to sail through that tidal upsurge, Seshan conceded defeat. It was late night when he dozed off, murmuring to himself in disgust that nature could upset any human plan, even his.

The Chief Secretary seemed to think otherwise. Seshan was woken up early next morning by an unwelcome ring of the phone. When he tried to explain that he had tried to go the previous day and then cancelled his trip, Varghese was cryptic: "What I am asking is not whether you had tried to go yesterday. What I am saying is that you are going today. Now." Seshan pleaded that there was no way to go, with roads breached at several places and airline services suspended. How would he go? Varghese feigned surprise. A senior officer, which Seshan was not then, could not possibly ask the Chief Secretary how he could reach a place, hell or heaven. The order was that Seshan should move within the next hour to Madurai to bring succour to the beleaguered villagers. He moved.

Seshan was to coordinate a kind of work he had never before seen being done. Nor had most others who were to work with him. The situation was unfamiliar and lack of familiarity naturally inspired in him confidence, not lack of it. Out there in Rameswaram and adjacent places, marooned people waited for help from uncertain sources. Seshan arranged for airdropping food packets to those famished people. Bags filled with uppuma, a south Indian item for breakfast, were liberally dropped by an airforce helicopter on the first day. An hour after, a tired Seshan was in his office, sipping strong coffee in a huge mug, savouring the thrill of reaching food to people who were too weak even to cry for it, when a tahsildar came to break bad news.

It was bad not merely because people continued to be hungry in Rameswaram. It was bad because it showed how foolish those official do-gooders could be. The foodstuff was all reduced to wet dust, splattered all over the place, when the bags hit the ground from a height of several hundred feet. No one had thought of giving a protective layer over those bags so that they would not burst under the impact of the fall. Seshan was not too pleased.

The tahsildar who had brought the bad tidings was suddenly lost in reading something on a blank paper lying on the table. Later Seshan reported the matter to Chief Secretary Varghese with a philosophical flourish: "We live and learn." Varghese first chuckled and then, recovering a false tone of grimness, turned around Seshan's own phrase and warned: "You had better learn and live."

Through that dedicated act of foolishness, trial, error and eventual success, Seshan was earning his new job as the District Collector of Madurai. Madurai was then an extraordinarily large district with 4500 square miles of area and 4 million population. Though Madras was Tamil Nadu's capital and south India's metropolis, Madurai was its political nerve centre. The freedom movement had groomed in Madurai's political nursery several leading public men of south India. It had witnessed prolonged spells of sanguinary power play even in the days of the royalty for centuries.

What bound Seshan emotionally with Madurai was however not its political tradition or cultural heritage. Madurai is known for, more than anything else, its great Meenakshi shrine and the grandeur of south India's temple architecture as manifested there. The massive temple of Meenakshi drew Seshan to its precincts almost every day during his stint of two years in Madurai. It was delightful to move round the sanctum sanctorum, mingling with little dark women bent by years of poverty and beautiful people who had set out to the temple adorned with all their regalia.

When the drudgery and the tension of the collectorate left him weary or furious, Seshan would turn to Meenakshi for a moment of calm. In that milling crowd of devotees, he felt the quiet of solitude. That temple of goddess is still one place he would not skip if he happens to pass through any place nearby. Meenakshi holds him in thrall no less than his two other favourite deities, Venkatachalapati of Tirupati and Krishna of Guruvayur.

Why Seshan was chosen as the Collector of politically sensitive Madurai was an unspoken question that lingered in many official minds. It was perhaps a routine appointment and Chief Secretary Varghese who was more familiar with revenues and expenditures, having had been the finance secretary for over a decade, than problems of law and order and politics had given no particular thought to it. He was perhaps only picking for that post an officer who had proved his passion for work just four days ago when he was sent on a mission to bring succour to marooned people. Varghese was to realise a few weeks later that the man whom he chose as the Collector of Madurai would have to brave ever more tough situations, and brave it in a manner that might embarrass his superior officers.

When Seshan moved to Madurai in January 1965, the winds of change were beginning to be virulent. The political cauldron, which boiled over in the late sixties, was already simmering all over India. In Tamil Nadu, regional passions and Dravidian susceptibilities were getting inflamed. South Indian suspicions about a move to impose Hindi on them, and thus put them in an obviously unequal position vis-a-vis the Hindi-speaking people, were turning into violence. Madurai was the epicentre of that violence. It was Seshan's lot to curb it.

7

A CIA Game

The Madras High Court has passed some interim orders concerning certain passages of this chapter.

The order of October 16, 1994 restrained the release/publication/sale of the book "with the passages containing reference to late C N Annadurai by connecting him with C I A either directly or indirectly."

Another order on October 17 required the deletion of "the offending portion made against late Arignar Anna, Dravidian Leaders and Tamils . . ."

All such portions of this chapter have been left out in this edition in compliance with the court's injunction. The case is still pending.

New Delhi was being stupid when it advised Madras how it should hold that year's Republic Day celebrations. Madras was being imbecile when it asked district officials to see that the celebrations were held without disruption. The Hindi zealots never knew the mind of Madras. Most of them could not comprehend the depth and complexity of the feelings of a people who harked back to the glory of their pre-Aryan civilisation and the greatness of their language. The Tamil leadership failed to make New Delhi realise the gravity of every small act when it tended to wound language pride.

What smacked of mindlessness in Madras was the instruction handed down to district officials. They were to ensure that no demonstration in the name of Hindi or any other cause upset the Republic Day's programmes but without banning such demonstrations. There was no question of using force. When he was discussing that funny order with Superintendent of Police Suvarna and Revenue Divisional Officer R Nagarajan, who became several years later a controversial Home Secretary in Madras, Collector Seshan was seething with derision.

Luckily for all, when Collector Seshan took the salute at the Republic Day parade in Madurai's police lines, there was no disruption. The parade ground had been effectively barricaded. Small crowds assembled outside and dispersed on their own after a while, duly shouting a slogan against Hindi and Bhaktavalsalam. But that spell of calm was not to last long.

Things began going haywire when a band of Hindi-haters took out a procession along a narrow street close to the shrine of the goddess. The local Congress office was located in a ramshackle building at the far end of the street where devotees, muscular men and brahman widows covering their tonsured heads with the ends of their long pale saris, chanting the hymns of the goddess, mingled with possessed militants who were shouting raucous slogans.

As the procession halted for a while before the Congress office, mouthing inevitable, rabid slogans, out of it emerged a band of scythe-wielding corpulent men and blood fell on the sacred soil. Who were those miscreants? Who had planted them in the Congress office with obvious, sinister designs? There were no obvious answers to those questions. Perhaps they contributed to the theory of destabilisation.

When violence was brewing, Seshan was in his office, leaving it to his officers to deal with the situation as they liked, but never showing weakness of will. There was no weakness. Reports of violent demonstrations from various parts of Madurai were pouring in as hours passed. There was no area of the district which remained unaffected. It was pointless attempting to tackle the situation on a localised basis. If total action was avoided or delayed, Madurai might burn. Fear gripped the officialdom.

Seshan was never averse to administrative extremism. If there was an extreme situation, there was also to be an extreme solution. As the District Magistrate, he clamped prohibitory orders on the whole of his district, leaving the mandarins in Madras perplexed. They were not used to prohibitory orders being issued for a whole district. Such a thing had never been done before. An unruly assembly of people or demonstration could be banned in a given area of a locality but it was odd to enforce such a ban in a whole district, more so in sprawling Madurai District.

The concerned deputy secretary in Fort St George, where the secretariat was housed, was a man who would never forgive violation of conventions perfected through years of colonial administration. He tried to sound firm when he rang up Seshan to question the wisdom of bringing the whole of Madurai under prohibitory orders but he scarcely knew then that he was dealing with a person who revelled in such shows of firmness.

The deputy secretary resented the Collector's action. He did so because the political bosses did so. Those ensconced in seats of power in Madras, far removed from spots of trouble, were not ready to imagine that a whole district was facing mob fury. Even if they knew that it was so, perhaps they felt it was not good governance to admit that lawlessness had gripped a place when it really had. The deputy secretary could not have been too pleased with Seshan's fusillade over telephone. His formulation was simple: if the whole district was disturbed, the whole district had to be brought under prohibitory orders. And, that was what he had done. No apology, no offer to change tack.

Chief Minister Bhaktavalsalam was obviously flooded with complaints of suppression of civil rights in Madurai which had been virtually turned into a fortress. Such unusual and arbitrary measures as initiated by the District Collector with a messianic zeal had to be curbed. Evidently under instructions from the Chief Minister, Chief Secretary Varghese spoke to Seshan. He spoke with no apparent conviction in whatever he delivered by way of instructions.

Varghese was a frail tall man with a square head and a sing-song voice. He was known for his rectitude. When he was not caught in a crisis, he spoke in an elliptical style. The song in his voice never changed. That day when Varghese talked to Seshan, his sing-song voice was strained with annoyance; annoyance, at the same time, made his speech sound even more awkward. But Varghese knew Seshan more than most people did. The dyed-in-the-wool financial administrator who had donned the Chief Secretary's mantle knew that Seshan had no option but to declare prohibitory orders in his whole district when things looked going out of control everywhere.

Yet Varghese cautioned him, as, of course, wanted by the powers that be. Seshan was told that the government did not want a blanket ban on assembly of people in Madurai; it could take action against the Collector and undo his order if he was not willing to toe the line. "Nothing doing, sir. It is the District Magistrate who should decide where and whether prohibitory orders should be imposed. And I am the District Magistrate. The government can do nothing about it. Except of course change me. Please do so, sir, I will be thankful." Varghese saw the point and sang: "Good luck, young man."

Seshan's firmness paid off. Madurai, which was regarded as more volatile than any other part of Tamil Nadu, was spared the kind of senseless violence that engulfed other areas. Thanks to Meenakshi's mercy or Seshan's ruthlessness, there were no killings in Madurai—till the final phase of the agitation. When reports of lynching or firing or arson came from adjoining districts, Madurai managed to survive with no such brutality. Occasional lathi charges, severe of course, were all that policemen had to make to disperse crowds whenever they defied prohibitory orders.

Unruly mobs in Madurai had not thought of emulating their counterparts in the textile town of Tirupur in the adjoining Coimbatore District where a police officer was asked to lie face down on the road, hands and feet neatly bound, to have a hand-cart run over him until his body was reduced to a mass of red pulp. Nor did they have the imagination of that Salem mob which hung a head constable, head down, from a bridge of a tributary of Cauvery for a couple of hours before that piece of life-saving rope was snapped. Madurai had none of it.

It indeed had excellent spectacles of lathi charge over some of which Seshan presided with unconcealed enthusiasm. One such show was enacted in and around the premises of National College where one of Seshan's physics professors, Varadachari, was the vice-principal.

There was a time-honoured decision that policemen would not enter any campus unless summoned by the principal. The students of National College had by then become as restive as those elsewhere and were itching for a demonstration.

Seshan was ready on hand, surveying the scene from across the road, happy to use force if anyone was inclined to defy prohibitory orders. Dutifully, he told Principal Srinivasan, his own old physics teacher, Varadachari, and the milling groups of students who were still inside the campus: "As long as you remain within the campus, even shouting slogans, no problem. But you won't come out on the road. The road is mine. If you want to go home, please go, but in ones or twos or threes. If you come in groups of five and more, I will disperse you."

Then after a moment's idle pause, Seshan said with unusual friendliness: "Let us be very clear about it, my force will beat you up if you break the law. They will come right up to wherever you are, campus or no campus." That was exactly what happened. Seshan's police had been specially picked and chosen. Some contingents of Malabar Special Police, a cold-blooded force specially raised to quell rioters during the Malabar Rebellion of 1921, had been brought to Madurai with great forethought. They wielded lathis so naturally, bringing down every target with a single blow, elegantly executed. When they moved on towards hordes of students who were marching out of the campus defiantly, the Superintendent of Police heard a shout from some distance: "Suvarna, see that they do a clean job."

Clean it was. Varadachari, Seshan's old teacher, was the first to protest. And get hurt. His children were being beaten up. His old student had warned him that he should not go up to protect his students when they were heading for a collision with policemen whose orders were to disperse the crowd. Varadachari ignored the warning and moved forward to the crowd of students. Before he realised what was happening, Varadachari felt a trickle of blood running down his forehead.

Principal Srinivasan was also hurt in the melee. There was a complaint to the Chief Minister later from the college authorities against the "Cruel Collector" but it went where such papers usually go, particularly in such times. When his old professor was hurt, Seshan was weighed down by no remorse. He felt only relief. Thank Madurai Meenakshi, no one was killed!

Death could not be averted in another operation elsewhere in the district. Two persons, policemen, were killed because of thoughtlessness, not Seshan's or his men's, but of a police inspector across the Kerala border. A foreign tourist who had gone to the captivating wild life sanctuary in Thekkady in Kerala wanted to cross the border at Kambam and visit Madurai, oblivious of the mood of Tamil Nadu that should have brought no cheer to any pleasure-seeking wayfarer.

Whether he was an ordinary tourist and how he could be unaware of the violence raging at the spot he planned to visit were not questions raised then. There was no time to ask questions. The foreigner was insistent and demanded police security from the police station close to the border on Kerala's side. He was about to cross the border and enter Tamil Nadu when he was met with a group of unfriendly Tamil militants. He demanded security during his travel as a matter of right. Policemen in the border station, who are normally no paragons of benevolence, readily obliged the foreign guest.

The inspector sent a couple of cane-wielding policemen to escort the compulsive traveller. When the threesome passed through Kambam, Tamil militants were even more mischievous. The smart constables from Kerala fled. The tourist also scampered to safety. But not two Tamil policemen who intervened to save them and disperse the crowd. What was left on the scene when peace returned were the charred remains of their bodies, beneath the seat of what was once their jeep.

That was something Collector Seshan would never forgive. Those who killed policemen on duty had to be told what he thought of them. The Collector, accompanied by a heavy contingent of armed police, drove down to Kambam within hours. Night was descending on the woods in which that little spices market was ensconced when they arrived. Birds were back to their nests. The silence was not eerie, until then, that is. The armed policemen had their orders, clear and unalterable.

They were to storm into every house and drive out all women into the nearby paddy fields. A secure police ring was welded around them when their menfolk screamed from a distance. Not one was spared. Every able-bodied adult was thrashed, leaving in his memory the scar of a scourge of which he was as much a part as were others.

Seshan had a message to transmit: Policemen on duty should not be attacked for doing their duty. He was there, physically, throughout the night, to supervise its transmission. When he was back home in Madurai to savour the early rays of the sun, Seshan was a study in composure. Jayalakshmi, who brought a steaming cup of coffee, had no idea what had happened in the distant paddy fields of Kambam.

The tide of language violence ebbed in a few weeks. April brought spring to Madurai. Seshan was learning to live with the eventlessness that ensued, addressing small development seminars in obscure villages, speeding up the tempo of the community development programme that had just been initiated with fanfare. The architects of the programme, Balwant Rai Mehta and S K Dey, had great dreams which eventually fructified as a "jeep culture", as it was pejoratively called.

Those dreams excited him. Programmes to change the face of Madurai's ugly and hungry villages became his passion. Such things were, in the final analysis, more rewarding. The law-keeper's job could give only transient thrill. Seshan was getting engrossed in development when panchayat council elections began, bringing in their train political intrigues and atavistic feuds among little chieftains who craved for absolute control of their rural empires. The feuds were not to be taken lightly.

Thirty kilometres away from the quiet shrine of Madurai Meenakshi, a small village with a beautiful name, Thirumangalam, witnessed ugly hostilities and bloody feuds between two mini-warlords who were determined to fight it out. They had hired hordes of illiterate mercenaries armed with wooden vels, weapon of Murukan, Tamil Nadu's principal deity, kitchen knives and sickles best used for harvesting paddy from the surrounding bountiful fields. The crowds of mercenaries had been mentally poisoned.

When the two armies took positions in a field which seemed to taper off into the red horizon, the smell of death filled the evening air. Policemen had been deployed in sufficient strength. Seshan, as the District Magistrate, had given the police chief of the area two orders: Disperse the unruly crowd using maximum force; fire if necessary. There was but one condition. "If you fire, make sure you produce one dead body for every round fired." The account had to be balanced.

It was. Seven men lay dead in the lap of that dry paddy field when the operation was accomplished. The contending chieftains had run away when guns boomed, leaving it to the hired soldiers to kill or get killed or disappear into darkness. The blood of those seven unknown people had brought silence and peace to Thirumangalam, when Seshan arrived. He had only one decision to take: how to dispose of the bodies. The villagers who had by then identified their lost relatives wanted the bodies back, which they planned to take out in a procession for cremation.

Nothing doing, said Seshan. The bodies would not be taken out in a procession and they would not be released from police custody in one lot. The bodies would be given one by one for a quiet cremation. If the relatives were not agreeable, they could watch from a distance the state funeral which Seshan was only too ready to arrange then and there. The people of Thirumangalam had a glimpse of toughness and they relented.

The cremation over, Seshan returned to Madurai with a clear idea of what lay in the store of the morrow. There was no need to study the changing moods of constellations to conclude that a Collector who had executed such an operation would no longer be welcome in that place any longer. Politicians who worked under other compulsions would be only too ready to disown an official who presided over such an operation, no matter whether they thought it was inevitable, even necessary. Seshan resolved to pack his paraphernalia, all too willing to move to any other place on any other assignment.

His reverie was broken by a messenger from the office. He had brought a short telex message from the Chief Secretary, most probably the Collector's transfer order. The message read: "The government records its appreciation of your devotion to duty and presence of mind without which a major massacre in Thirumangalam might not have been averted." Seshan smiled, something for which he had so little time. In several war rooms far away, many squirmed. They would not pardon the man who had quelled their agitation so ruthlessly in Madurai.

8

Laughing Waters

For some curious reason, someone had chosen that name for that hotel on the bank of the placid Kodai Lake. Laughing Waters. Those who came to live there when the summer sun blazed in the plains were men and women who laughed a lot, at others or themselves, over everything trifle. Mrs Henry, an ageing Anglo-Indian, who ran Laughing Waters, assumed that she was bringing cheer to everyone high and mighty she entertained.

Her sunken cheeks and languid eyes, her enormous coat of cosmetics and colourful costumes and her teenage demeanour gave herself away. She was an English army officer's widow. The life in the officers' mess had given her a degree of sophistication, and even more self-confidence that bordered on arrogance. The disarming smile on her face, reserved for rich and handsome patrons of Laughing Waters, could turn, like lightning, into an intimidating scowl if she was annoyed. Seshan once annoyed Mrs Henry.

The lady of Laughing Waters thought nothing of a District Collector. She had taken on bigger people, powerful English officers of the ICS lineage, when they crossed her path. One such was Morris, who was once Madurai Collector, and another his deputy. They had sent on to Mr Henry, when he was serving a term somewhere abroad in the last days of World War II, a letter that came their way. She never forgave such pranks.

It was not a document that did Mrs Henry proud. The husband dutifully passed it on to her for perusal. The proud army wife took the matter to the court and had Morris and his deputy punished for defamation. They had to pay a fine of Re 1 each. Mrs Henry did not forget to remind Seshan's junior officers about that heroic victory of hers when he looked rather unwilling to recognise her glory. She had not known Seshan.

Mrs Henry thought it was her right to invite to her parlour Sheikh Abdullah when he went for a stroll around the lake every day, chaperoned by policemen and his valet. The Sheikh would accept the invitation and go in for confabulations with whomsoever he liked, leaving his guards dumbfounded. There were many who had come to Kodaikanal, apparently for a holiday, who liked to take him to Laughing Waters for a lighthearted banter or whatever. Among them were businessmen and film stars.

The lady of Laughing Waters thought it was her right to take Sheikh Abdullah round her little empire. He felt free to accept her invitation. The poor guards did not dare tell the man who was once Kashmir's Prime Minister that he could not converse or correspond with anyone without the knowledge of Seshan who was the District Magistrate of Madurai. If they were afraid of Sher-e-Kashmir, Kashmir's Lion, they were still more so of the lady of Laughing Waters. They could not think of facing Seshan to explain their predicament.

When Seshan heard about it, he casually sent word to Mrs Henry that she would better not entertain Sheikh Abdullah without taking the District Magistrate's permission. The lady of Laughing Waters was livid with rage. She would not put up with such effrontery from a junior bureaucrat. Had she not known mightier men who would pay obeisance to her? When Mrs Henry insisted that she would continue to do what she liked, Seshan or no Seshan, one day, when tourists were flooding Kodaikanal, she found her hotel's pipelines bursting.

One ring to the water supply engineer was enough, everything was set right, though it took a few hours of hardship to her exacting guests. The next day lights were off with a bang. Electrical engineers rushed with help. But those accursed pipelines continued to burst and lights continued to go off when needed most. The regularity of those mishaps was as disturbing as the deference with which engineers set things was reassuring. There was, Mrs Henry saw, an ominous pattern.

Seshan had made sure that the lady of Laughing Waters would have no reason to cry that she was being harassed. Engineers would be on the spot to repair the damage within a minute of its occurrence. Back to their stations, water would be pumped into Laughing Waters's pipelines with a force adequate to burst them. The electrical fuse would be so fixed as to fail earlier than power supply was switched on. The municipal engineers of Kodaikanal were as ingenious as they were helpful to the District Magistrate who was also acting as the municipal administrator.

Finally, when she knew what was really happening, the lady of Laughing Waters rang up Seshan, crying this time round. She wanted to meet him, but he did not. She had certain things to say which she could well write to him. If she had any complaint against unhelpful municipal engineers, action could be taken against them. She had no complaint. So Seshan signed off after a minute's conversation. When Sheikh Abdullah was having his round the next day, his eyes searched for Mrs Henry on the lawns of Laughing Waters. She was not around.

The Sheikh arrived in Kodaikanal as an unusual, unexpected guest. He had to be given unusual deference. The Government of India one day decided that Kashmir's Lion who was roaring rather too much in those times would do well to have a short break somewhere far away from the Himalayan valley. New Delhi's mandarins prescribed Ooty near Coimbatore as an ideal resort, salubrious like Kashmir and secure from political temptations. Harmohinder Singh, Nilgiris Collector, was to play host to the distinguished detainee. The guest was to have anything he wanted. A minor inconvenience was that he could not move about or converse or correspond with anyone without his host's permission.

Someone talked to Sheikh Abdullah for a few minutes the very day he arrived in Ooty, without Harmohinder Singh's permission. Neither Singh nor anyone else had then thought much of that innocuous conversation. It took a day for them and the mandarins in New Delhi to realise that it was not quite innocuous. A newspaper in England had splashed across its pages the anguished cry of Kashmir's Lion, caged in a south Indian hill resort. Such was not the publicity New Delhi had expected Sheikh Abdullah's hosts in Ooty to arrange. It was a faux pas, a moment's lack of alertness, but New Delhi was not willing to have more of it. Once was enough. The decision to shift Kashmir's Lion to Kodaikanal was instant.

Lions, Kashmir's or Gir's, are used to majestic treatment. Seshan had problem finding appropriately majestic accommodation for his distinguished guest. The host's concern was more for safety than majesty. Kodaikanal did not have great bungalows which could be readily requisitioned for the Sheikh's use. The first choice was a highway bungalow used by officers when they were on tour to Kodaikanal. It was got ready in a hurry, a fresh coat of paint here, a new window there, a new carpet, some better pieces of furniture and so on.

When Kashmir's Lion stepped into its drawing room, he roared. This was not the kind of dungeon where Kashmir's former Prime Minister should be lodged! "Do you think, young man, I would be holed up in this place?" he growled. It was politically risky to do anything that might enrage Kashmir's Lion. Instructions were that he should be kept happy as far as possible. If it was his desire to be housed in a more attractive and spacious cage, a new cage had to be found. Seshan ran looking for his tahsildar who was to find a better place, befitting Sheikh Abdullah's majesty.

The house they finally found was a palace, a three-storied dilapidated mansion, acquired by the state government some years ago. It was lying in disuse but could impress Kashmir's former Prime Minister when it was repaired. Seshan too was impressed—by the possibility of providing perfect security. The Sheikh could live on the third floor, adequately guarded by armed constables on the two floors below. Seshan did not want a fly to reach up to his guest's rooms without the host's permission. And not a fly did.

Sheikh Abdullah was bitter all along. He could never forget that he was a Prime Minister and his host a mere District Collector. He would never miss an opportunity to remind Seshan the great difference in status between the two of them. Seshan ignored what he thought was a deliberate insult. The old man under detention did not have to be so insolent, his political stature notwithstanding. Where was the need to remind him, Seshan thought angrily, that he was a "mere Collector" again and again? There was nothing lawful the old man wished that was not provided. Then Seshan decided to play the role of a "mere Collector" in which Sheikh Abdullah had cast him.

The Sheikh's demands were legion. After a meal, when he was served fruits, he would pick up an apple and ask Seshan what it was. "Is this what you call apple? I'm used to Kashmir's luscious apples," he would inform his host imperiously. Seshan would face that inquisition with a laconic reply that was the best apple available in that part of the country and Kashmir's former Prime Minister would have to make do with it as long as he was there. Seshan's annoyance showed through his voice but such signals from junior officials scarcely meant anything to him. Kashmir's Lion was no ordinary lion.

Such ceaseless demands had earned Sheikh Abdullah a nickname of which he was never aware. Everyone around him saw him politically cast in the mould of a "son-in-law" who could place any demand and have it met by his wife's anxious relatives. Any wish expressed by Sheikh Abdullah used to be relayed to Seshan as the "son-in-law's demand". Nothing that he asked for was to be refused, if it was available anywhere under the sun. Cost was no bar.

One such demand was for an umbrella. When he was strolling around the lake one day, well past Laughing Waters, it suddenly began to rain. His escorts had umbrellas. Sheikh found he was unprotected. But how could a former Prime Minister and his guard together cover their heads with one umbrella? He should have an umbrella for himself and asked Seshan to get one then and there. Seshan was full of excuses. He was, he reminded the Sheikh, a "mere Collector". He could not buy such things without permission from the appropriate authority. The Sheikh saw the point. When Seshan was convinced that the point had been noted, umbrellas came, not one but two.

Seshan was getting irritated by the Sheikh's tantrums. There was no fun in poring through a whole lot of inanities in the mail addressed to the Sheikh. A Sikh official was specially drafted from New Delhi to translate for Seshan letters in Urdu. Whether in Urdu or Esperanto, Sheikh Abdullah's mail was no delightful literature. Yet Seshan had to read it diligently before the addressee knew what it contained. A stamp had to be put on every letter, incoming or outgoing, to show that it had been censored. There was nothing in any letter received by the Sheikh that was objectionable. Nothing had to be scored; no letter had to be held back from the addressee. Sheikh Abdullah wrote only occasionally.

One such occasion created a serious confrontation between Seshan and Sheikh Abdullah. Seshan was looking up some old papers connected with a prolonged property dispute in Kodaikanal's highway bungalow one afternoon when an officer went up to him with a cryptic message. The "son-in-law" wanted to see Seshan, urgently. If it was a demand for some article, that officer could have provided it on his own. It was only when the Sheikh's shopping involved huge amounts that the District Magistrate had to authorise it personally.

There were shopkeepers around the lake who knew how to entice Kashmir's Lion. When he was on his rounds, a clever textile merchant would request him to bless the showroom. After the brief visit, as the Sheikh was leaving, a neatly packed suit-length would be presented to him. The Sheikh would be pleased no less than the shopkeeper who hoped to collect an exorbitant price from the government. When bills were put up to Seshan, he merely scribbled: "Gifts are free. No payment." The shopkeepers' regular invitations stopped soon.

No such purchase or payment was what Sheikh Abdullah had to discuss with Seshan that day. The Sheikh had never liked to have his letters read by anyone else. It was a humiliation to him but Seshan administered it punctiliously. It was his duty to read them and he would not let a single letter go without his stamp. When Seshan visited him that afternoon, there was an unusual request which of course had a ring of command.

The Sheikh was sending out a letter which should not be opened by anyone other than the addressee. The writer hoped that the address would scare Seshan into inaction for once. The Sheikh said as much, offering to show Seshan the address on the envelope and nothing else. The District Magistrate was never assailed by doubts. No matter who the addressee was, the letter would be opened and duly stamped before despatch. Lion or deer, Seshan would not let a letter go without his being told what it was all about.

Annoyed as he was, Sheikh Abdullah suggested that Seshan better keep off that particular letter. That day's meeting ended there. The next day when Seshan called on the Sheikh, there was that all-important letter ready, neatly enclosed in an envelope. The address read: "Dr S Radhakrishnan, President of India, New Delhi." It hardly impressed Seshan. The Sheikh asked, victoriously: "Do you still want to open it, young man?" The question sounded like a joke to Seshan. He said: "I shall open the letter right here before you, sir. The address does not matter to me."

He could have told the Sheikh a lie that the letter would be sent on to the President unopened and have it opened back in his room. That would have been a diplomatic gesture but good name earned through such diplomatic or dishonest moves did not lure him. Neither then nor now. After all, it was not difficult to open the envelope, exposing it to steam, without doing any damage to it. Intelligence operatives do it every day, with not an addressee suspecting that all his intimate thoughts had been read by someone who was not a whit excited by them. But Seshan was in no mood for such double-speak.

He wanted the former Prime Minister of Kashmir to know that all his letters, addressed to his son or India's President, would be scrutinised—and scrutinised right in his presence. And so it was done. Kashmir Lion's communication to India's President was opened, read, stamped and duly despatched. The anti-climax was that the letter was a soporific document, replete with rhetoric on India's unity and diversity. Nothing more.

Kashmir's Lion was enraged. He wanted to force the issue of his privacy. He would not put up with the high-handedness of this "mere Collector". One day the roaring Lion announced, hoping to send a chill down Seshan's spine, that he was going on fast unto death in protest against official insolence and ill-treatment being meted out to a man who was once Kashmir's Prime Minister. That was a warning intended to scare Seshan into inaction and embarrass New Delhi by making it aware of the possibility of world newspapers writing about Sheikh Abdullah's fast in detention.

Seshan, who had by then become a picture of absolute humility, told Sheikh Abdullah with great deference: "Sir, it is my duty to take care of your needs. You can depend upon me to give you every assistance when you go on fast. All arrangements would be made for you. I will see that no one disturbs your fast by bringing up even a glass of water to you."

Madras was upset. When word reached Fort St George that Sheikh Abdullah was going on fast unto death in protest against Seshan reading all his mail, there was chaos, a bout of anger. Chief Secretary C A Ramakrishnan rang up Seshan threateningly. What was he up to? Was he hell-bent on embarrassing the state government as well as the union government? Why could he not discreetly let Sheikh Abdullah's letter to President Radhakrishnan go unopened?

Seshan was uncharacteristically cool. And firm. His orders were that he should read the Sheikh's correspondence. If he was to make a concession, those orders would have to be changed. Would Chief Secretary Ramakrishnan please send a wireless message asking the District Magistrate to ignore the earlier orders? The phone went dead.

When it rang again, it was Home Secretary L P Singh from New Delhi. There was a complaint against Seshan from his Chief Secretary. Why was he defying the Chief Secretary, embarrassing everyone around and exposing himself to disciplinary action? That was the second time L P Singh was talking to Seshan. The first time was when the Home Secretary rang up several months ago to tell Seshan what was expected of him when Sheikh Abdullah lived under his care. L P Singh knew what was happening. He was silent for a moment. An initial spell of apparent grimness.

The young officer was being tough. Another bureaucrat would have taken it for impertinence. Not L P Singh. He understood when Seshan said he would want an order from the Chief Secretary if he was to let Sheikh Abdullah's letters go uncensored. Then, there was a burst of laughter. The Home Secretary signed off, saying: "Good Lord, you can stand your ground. I am with you." That vignette of toughness was something L P Singh cherished. Long afterwards, L P Singh recaptured that vignette when he was to help

Seshan out of a bad situation.

Sheikh Abdullah was not to live in Kodaikanal for long after that. Nor Seshan. The general elections in 1967 had brought about a political change. The supremacy of the Congress was ending. Many states came under the political control of other parties. Tamil Nadu elected a DMK government. Annadurai who became the Chief Minister was not keen to play New Delhi's game in his state and harbour Sheikh Abdullah whom it wanted safely away from Kashmir.

Partly because of Annadurai's reluctance to keep him in Tamil Nadu and partly because of a new political perception in New Delhi, Sheikh Abdullah was set free. When his train steamed off the platform, Seshan waved in relief. So did Kashmir's Lion. That was one parting that was decisively happy.

When Annadurai who had led a convulsive agitation rose to power, Seshan who had worked hard to quell it could not have been a favourite officer. Two months after the ascent of Annadurai, Seshan went on leave. His detractors, of whom there was no dearth even in those days, said he was being asked to go on leave. In any case, Seshan had enough of his district assignment. His initial leave for two months lengthened into four.

It was a useful period. Seshan and Jayalakshmi went round their state on somewhat of a delayed honeymoon. The young husband had nearly forgotten about it after they were married. They had no occasion to see much of Tamil Nadu. When their honeymoon ended, Seshan did not rejoin service. He took off, alongwith Jayalakshmi, for Boston. Seshan had been selected for a one-year course in Harvard.

9

Report on a "Bully"

He is aggressive, he is abrasive, and he is a bully: This can, conceivably, be a private outburst against Seshan by one of those countless people, particularly those who worked under him, whom he had chastised in his inimitable fashion. This is not so. This is a comment made in bold black and white, not under whispers or out of Seshan's earshot. This comment was made not by one of his wounded subordinates but by an enraged superior officer.

It was recorded in one of Seshan's annual confidential reports. And it would have cost him his career. Cabinet Secretaryship would have been an absolute impossibility. He would have been lucky to become a Joint Secretary with that officially conferred label of a "bully". He made all that because that comment was expunged from the confidential report on him, which is itself a rare gesture at that level.

The comment was H N Sethna's. He was no ordinary mortal. He was a distinguished scientist, India's Atomic Energy Commission Chairman. He was Seshan's boss for a while and he used that great opportunity, when it came his way, to revile his Deputy Secretary. Seshan had not worked under him long enough to earn his wrath or enable him to write a report either way, malignantly or benignly. Sethna had not been his reporting officer for three months and a report from him was therefore not required under rules.

Yet he wrote one because there were no reports on

Seshan for the three previous years. Vikram Sarabhai who was the Atomic Energy Commission Chairman and under whom Seshan worked as a devoted Deputy Secretary did not consider himself bound by the time-honoured laws of officialdom. He did not belabour himself with its traditions. Not out of insolence, but because of sheer impatience, a sense of uselessness, he skipped the bureaucratic routine often. When he died in Thiruvananthapuram in 1971, Sarabhai had left in arrears three reports on Seshan. He was doing an unintended disfavour to Seshan. It was left to Sethna to write them. And, he wrote with vicious relish.

As Seshan recalls it, there was no official reason for Sethna to give him such a rare, sweet certificate. Of course, Sethna had never forgiven Sarabhai for inheriting Homi Bhabha's mantle as the Atomic Energy Commission Chairman which he had anticipated would fall on him as a matter of routine after Bhabha's exit. The exit was violent, far too premature. Bhabha died in an aircrash when he had acquired a legendary halo, a reverence usually hogged by a religious savant or a mass leader or a matinee idol, seldom a man of science.

When Bhabha disappeared from the scene, Sethna did not find himself becoming the inevitable choice. The Prime Minister had different plans. When Sarabhai was chosen, it touched off a scandal of science. It raged for a while. Seshan's strength and weakness was that he had become close to Sarabhai. When Sethna, in his capacity as the new Chairman, blackened Seshan's records, he was only living up to the glorious human tradition of running down one's predecessor and hounding out all those close to him. Seshan was an inevitable victim.

But not a victim who would go under right away. He fought Sethna's remark as soon as it was communicated to him. The fight lengthened through the Home Secretary to Prime Minister Indira Gandhi. Two things favoured Seshan. One, he had with him enough evidence of several good things Sethna had spoken about him earlier when Sarabhai was in command. Two, the Home Secretary had known him as a young Collector who braved the anti-Hindi agitation in Madurai. More, Seshan had earned then some fame for playing a clever host to Sheikh Abdullah in Kodaikanal.

Indira Gandhi did not quite remember that the young officer who was being damned was the one who had read her horoscope long before she knew she was going to be the Prime Minister. In the event, when Sethna went to her for some discussion, she opened Seshan's case casually and suggested that those harsh remarks against him be withdrawn. Seshan who was also present as a mute assistant chuckled mentally, victoriously. The "bully" disappeared from official files. A career was salvaged. Indira Gandhi knew how to show her affection as much as she knew how to humiliate those whom she wanted to put in their places.

The image of a "bully" never vanished totally. Many who saw him at work in later years were so incensed as to call him names. Some called Seshan Al-Seshan, taking obvious pride in their talent for venomous word play. Some others, mostly his peers, circulated an impression that Seshan was insolent when he dealt with his subordinates, indifferent to his equals and servile to his superiors. Sethna was his superior and he was not so stupid as to mistake a servile subordinate for an abrasive bully. Impressions, therefore, remain mere impressions, outrageously subjective, coloured by time and convenience.

Such impressions are easily formed; and, they tend to stay. For Seshan lets them arise and seldom does a thing to correct them. He is so sure of himself that he does not quite bother about what others think of him. Politicians would call him names when he puts a spanner in their works. Some of them once went so far as to initiate a move to impeach him, which is the only way to oust an inconvenient Chief Election Commissioner. Newspapermen who enjoy being feared or cultivated by men and women in power would pillory him when he does not make an effort to be particularly friendly to them.

Once he told a woman reporter in Madras that he would not hesitate to throw her out of a press conference if she did not let others attend it in peace. He called journalists prostitutes of sorts at one public function. When reporters called him for a meet-the-press later in New Delhi, there was a virulent demand that Seshan should first confirm or deny that statement and withdraw it if confirmed. He would not refrain from making provocative remarks so that peace would prevail when he spoke.

Any other person would have readily denied or wriggled out of it with what might sound like a tactical apology. Seshan did nothing of the sort. He avoided confirming what he had said about newsmen but he did not withdraw it. His comment was that he had no comment. The inference was clear. A man who lets such an inference be drawn is not easily admired. Not by those who are hurt.

Seshan is so sure of himself that he does not mind taking on anything and anyone, pressmen, politicians, judges. All of them are deeply conscious of their privileges. Freedom of the press, parliamentary privilege and judicial supremacy are magic words which are invoked by reflex action when anyone does or says anything that is unpalatable or may seem to endanger jealously guarded privileges. Assault on the freedom of the press and contempt of courts and legislatures are regarded as worse than any other assault.

Seshan's commitment and conviction, his diction and disposition, can hardly inspire veneration among those who are convinced that they are born to pronounce judgment on all men and matters. When he was being appointed the Chief Election Commissioner, political folklore had it that he was a Congress lackey who would manipulate elections in that party's favour. The irony of politics is that Bharatiya Janata Party leaders who were his inveterate critics, with L K Advani saying that he had "faith in the nation but not in Seshan", became his ablest defenders as time went by.

When he began to invest his new assignment with an element of activism nobody had ever seen being associated with it, there was a cry of "democracy in danger". Janata Dal leaders, who had proved their supreme incompetence before their one-year vacation in power ended in November 1990, were the most outraged of all. The ouster of Seshan was their single-point programme for a long while in 1992. The man whom Sethna once called a "bully" was to receive sharper epithets in an abortive impeachment motion brought against him by Janata Dal leaders.

It portrayed him as "partisan, capricious and callous...shockingly injudicious, authoritarian and high-handed." If there is one thing that can be absolute, it is invective as is seen here. But Jaipal Reddy, an eloquent parliamentarian who was among those who spearheaded the impeachment plan, amended his words later. He likened Seshan to the curate's egg, good in parts. "It is," Jaipal Reddy said, "difficult to pass a black-and-white judgment on him. He has raised the level of consciousness about electoral reforms but the manner in which he is bringing about that consciousness lacks judiciousness."

Seshan's gift of the gab has annoyed many, overwhelmed himself. His phrases and metaphors are sharp and he uses them with little concern for the feelings of his victims. Victims are apt to abhor him as much as others admire him. But such flourishes, our ultimate arbiters of public conduct would say, are Seshan's weakness. Loquacity is, they say, no virtue in a culture of mauna, silence.

Which may be why a Supreme Court Justice was impelled to condemn Seshan for speaking too much though courts are not usually expected to prescribe how much a person should speak to earn a certificate of good conduct. It was Justice J S Verma who once said: "This man seems to have lost his balance. He seems to think he only has all the powers. The less he talks outside, the better it will be for him, given his weakness for publicity."

Judges are not the only people who enjoy judging others. Newspaper commentators assume that it is their function to hand down judgments on a day-to-day basis. One feels good when playing judge. One commentator, G S Bhargava, pronounced what he imagined was the ultimate judgment that Seshan was guilty of the "vanity of a megalomaniac". Others have accused him of hogging publicity which is a chronic symptom of megalomania.

Ashok Mitra, a celebrated communist thinker, said: "Much of the problem lies in Seshan's weakness for hogging headlines. He has an irresistible urge to play to the gallery, which makes him carry things to wild excess." The gallery is another name for the people. They seem to have taken Seshan more seriously than most others who are in the business of winning the people's minds. The publicity he gets, which his detractors grudge, is only an expression of the mass interest in him, an endorsement of his relevance.

It is an extraordinary development that a man who has been authoritatively certified as a "bully", a "megalomaniac", a "publicity huckster", and as "abrasive and aggressive", "partisan and capricious" and lately as "brash"(courtesy R Venkataraman) should get such a ready and enthusiastic audience. No one stones him when he calls bureaucrats "courtesans" or journalists "prostitutes". His apparently outrageous observations on the essentially fraudulent character of Indian elections have only enthused his listeners. If he has so many listeners—young and old, rural and urban, southern and northern—,it is not perhaps because he provides free amusement. There is more to it.

The "bully" and the "megalomaniac" has a regular flow of fan mail, not drawn from a horde of opinionated intellectuals and public men who presume to know what is good for the people, but from nameless young men and women who have not taken upon themselves the ultimate right to pronounce judgment on men and matters. They are people who have had enough of all that sanctimonious humbug public men and their shadows have produced over the years. They have perhaps found in Seshan a voice to articulate their feelings, their frustrations, angers and aspirations. That is the exclusive meaning of the fan mail of which there are 37 bound volumes.

Seshan's pace and work ethics can upset most of his colleagues, subordinates or superiors, who have adopted the Twainian dictum that one should not attempt tomorrow a work that can be put off to the day after. Seshan wants things done yesterday, if not a day before. When anything is done late or clumsily, his system will burn, he will scream. When the wrong people are spotted at the wrong place in his office, he would be beside himself with rage. Those who face it will not be amused. A section of the employees of Nirvachan Sadan, where the Election Commission is housed in New Delhi, made an issue of Seshan's reprimand of a last grade employee when she was found entertaining guests in the reception office early one morning.

They hogged enormous publicity. It was then fashionable to flog Seshan who was unable or unwilling to present his point of view. The Chief Election Commissioner had merely taken to task an employee when she was found having pow-vow with outsiders right in the reception office when work was supposed to be beginning. That was interpreted as "misbehaviour" on the part of Seshan. Trade union leaders who thrive by incendiary hyperbole dubbed it as Seshan's "reign of terror".

A newspaper which lapped it all up thundered: "Mr Seshan must go." No one paused for a moment to consider why a last grade employee should have guests in the office so early in the day and why she should feel free to have a chat with them in the reception office. Such sluggishness, such irresponsible mediocrity, has been widely accepted as perfectly normal, even ideal. Seshan was courting notoriety and resistance when he met it with characteristic impatience.

Seshan is an impatient man. Senior officials of Nirvachan Sadan had problem adjusting themselves to the pace and style of the new Chief Election Commissioner who was wont to tell everyone that he did not find his job hard enough to take ten minutes a day. One secretary who had become tired and timid because of non-work over the years suddenly found his blood pressure rising, sleep lightening, when Seshan became the boss. After a brief meeting in his room, Seshan would fix a deadline, close of course, for the submission of a particular report later in the day.

The secretary would write down an elaborate report with bated breath and then find himself searching for the elusive typist who might have gone for a long walk with her friend or an endless chat with some elderly colleagues in a dirty canteen. The peon would have disappeared, giving some excuse of a punctured bicycle tyre or a kid laid up with diarrhoea. When the officer went into Seshan's room at long, long last with his report, hell would break loose.

Why was a report to be submitted at 3 P M being submitted thirty minutes later? There could be a hundred and one excuses, genuine or lame. Excuses would not impress Seshan. Softness would not mark his expression. His severity, both of standards and words, are not what would earn him friends. He could not care less. To earn friends, he would not change his style or the tenor of his speech. The world should accept him for what he is.

All this show of anger, Seshan would say, is a show after all. "Let me tell you a secret about my anger," he told a friend one day when he was listening to a soothing raga, Nilambari, on Ramani's flute. "Much of my temper is a show. I don't really mean it. Look at my peon. He is scared when I shout. I can see that. But he knows that I don't really mean it." Seshan knows that he is not capable of radiating affection as a show. He can radiate, even as a show, anger more effectively. But there are those who know how to tap the springs of his affection which he never likes to reveal.

Like Fatima Beevi. Fatima is the widow of Nooruddin who was Seshan's dafedar, a liveried attendant, more than three decades ago. Nooruddin and Seshan had worked together in Dindigul. Seshan had assumed his first assignment in his career as a sub-collector and Nooruddin was his first attendant. Tempers used to be frayed those days also but Nooruddin knew how to cool them. His widow, Fatima, felt free after a long interval of three decades to write to Seshan, seeking his help to fix up her son, a school drop-out, somewhere.

Glancing through Fatima's letter in badly scrawled Tamil, which had come through his regular mail, Seshan put it aside in a bunch of private papers, mumbling to himself that he should do something about it. And then, as if not trusting his own powerful memory, he told his private secretary who was quietly leaving: "Mohandas, remind me about Nooruddin's case tomorrow morning."

10

An Affair with MGR

HN Sethna and P Kolandaivelu had nothing in common, almost nothing. Sethna was a distinguished scientist, Kolandaivelu a small-time politician who became a minister because of MGR's munificence. What Sethna shared with MGR's factotum was a harsh view of T N Seshan as a bully.

Kolandaivelu felt, like Sethna, that Seshan was a bully, anxious to terrorise his subordinates. Not subordinates alone. Kolandaivelu had seen it for himself that Seshan could make light of his superiors also, even ministers like himself. Velu was MGR's Agriculture Minister when Seshan had been dumped into his department as its Secretary.

The credit should, in fact, go to Kolandaivelu, not Sethna, for that original discovery that Seshan was a "bully". Velu could not have helped discovering it because his mentor and master, MGR, had declared Seshan as persona non grata. It was when he had fallen out of the great actor's grace that Seshan was posted as Agriculture Secretary with the ebullient Velu as his Minister. Velu was thrilled to have an opportunity to tackle an officer whom MGR had condemned.

The condemned Secretary's ways were surprising. He had a knack of eclipsing his ministers. Velu was mortified one day when he found his department's Secretary being in the limelight more than himself. The Minister was all the more upset when the omnipotent Chief Minister asked him why it was so. An officer MGR had discarded was being allowed to have an acceptable public image. That was sacrilege. Was MGR pointing towards an obvious deficiency in his Kolandaivelu, perhaps as a prelude to his relegation to the limbo? Velu should have had genuine doubts.

The doubts were fuelled when a Japanese delegation was in Tamil Nadu to study the state's agricultural growth or lack of it. Seshan took them round and was widely photographed with the members of the delegation. MGR looked askance when he saw through his inseparable sun glasses those pictures splashed across Tamil newspapers. Velu was summoned first and later Seshan. As Velu put it later, "Seshan came and stood like a school boy, hands folded. MGR did not look up for a while. When he looked up, he had a question: Yaar neenga? Enna venum? Who are you? What do you want? Seshan's reply was: Nan tan Seshan. I am Seshan.

The Chief Minister wondered why the Agriculture Secretary had not informed his minister, Velu, about the foreign delegation's travel plans. Seshan, Velu says, was full of apology. His explanation was: "I thought he was busy and small things like the visit of a foreign delegation should not bother him." Seshan should have been mentally cocking a snook at his boss when he gave that explanation with a striking note of regret. Velu had concluded right then that the problem with Seshan was that he thought that he alone was intelligent and others were all fools, more particularly politicians.

A problem it indeed is. Seshan's intelligence is sharp. His tongue is sharper. No one is perhaps conscious of these attributes more than Seshan himself. He will never fail to mention, whenever there is an occasion, how he excelled others in studies, how he enforced discipline in his office, how effectively he presented a case, how his eloquence impressed audiences, how he brought a new elan to an office that was all but dead and so on. There is some truth in all this, even his worst detractors will concede that, if grudgingly, silently. But social norms would require, his critics would emphasise those norms, that he should not think so well of himself, much less speak.

The problem is that modesty does not encumber him. He has no hesitation to declare that "I am without parallel." When he says so, somewhere within him rings a silent laughter, a mischievous delight in seeing his listeners squirm as they hear what they regard as the unspeakable. Like Schopenhauer, Seshan would seem to think that modesty is essentially dishonesty. "What is modesty but hypocritical humility, by means of which, in a world swelling with envy, a man seeks to obtain pardon for excellences and merits from those who have none. No doubt, when modesty was made a virtue, it was a very advantageous thing for the fools; for everybody is expected to speak of himself as if he were one."

The man whom Kolandaivelu encountered in the department of agriculture in Madras was not modest or meek. The department of agriculture was located on the first floor of the secretariat. Seshan was posted there, not because he had any known expertise in agriculture, but because that was the lowest floor where offices functioned. Chief Secretary Karthikeyan had orders to "bring him down". The orders of MGR had to be carried out literally. Karthikeyan who had abundant sense of humour and no antipathy towards Seshan went about his job with a bureaucratic finesse even his boss would admire.

The only way Karthikeyan found to "bring down" Seshan who was working as the Industry Secretary on a top floor of the building was to shift him to a department which was located on the lowest possible floor. In a physical sense, it was an absolute demotion. If MGR asked, Karthikeyan had a ready answer: Seshan had been shifted to an unimportant place below. Kolandaivelu could not have asked why he was being saddled with a person whom he had not known.

Seshan was rather surprised. He had expected something short of capital punishment for his heresy. Transfer from industry to agriculture, a mere demotion from the ninth to the first floor, was not an adequate retribution. When Karthikeyan's face darkened with a wry smile, Seshan ventured to ask: "Why not the ground floor?" It would have been appropriate to dump him on the lowest floor. There was a car park where the condemned Secretary could have been suitably accommodated. Seshan could have learnt a thing or two about motor vehicle mechanism and perhaps Zen Buddhism. But Karthikeyan was not willing to draft a senior IAS officer as a car park attendant.

The orders to "bring him down" had come from that very predictable place, MGR, whose word was inexorable law. The Industry Secretary was being too big, MGR regarded bitterly one day, after he had several rounds of brief conversation with Seshan over phone. The first call went to Seshan's house where an unsuspecting Jayalakshmi answered it. Seshan had already left for the office. He had barely reached his office, on a top floor, when MGR's second call came. Then the third, fourth and fifth. It took three more calls before Seshan was curtly asked to send a particular file up with an appropriate note. So he did.

The file concerned a small company of a big entrepreneur. The company had been started to make a curiously named chemical, furfural. There was no way to market furfural, manufactured, as claimed, in such large quantities. Without an agreeable market, there was no money with the company to pay back a huge loan taken from the Tamil Nadu Industrial Development Corporation. The loan could not be written off. Nor did its mighty managers want it written off. They had grave concern for the exchequer. There was a valiant proposal for them to make.

The proposal was that the company's fixed assets could be taken over by TIDCO in lieu of its loan. TIDCO could then run the company which had already been found unworkable. Seshan had elaborate discussions with S Guhan, who was then TIDCO's managing director. They decided against the deal as proposed by the furfural firm.

For its assets consisted of half a dozen broken chairs, a tin shed, some rusted tools and a gate with missing grills. All else had been punctually carried out of the furfural premises.

Furfural suddenly held MGR's attention. It had nothing to do with films or politics or Dravidian heritage but MGR had a special interest in furfural. The Chief Minister must have had some compelling reason to intervene, so early on a Monday morning, ringing up the Industry Secretary at his home and then several times at his office. The mighty men behind the company were obviously at work, of course not in their disused factory.

MGR closely questioned Seshan why that proposal of the company could not be accepted. The actor-politician was a picture of amiability. No growl, no malevolent sarcasm. There was only concern for the exchequer. Would it not be better to close the chapter after all that had happened? When he put that question for the umpteenth time, MGR had clearly not come to know well his Industry Secretary who had never learnt to close things. He was invariably good at opening.

When he found Seshan was not in a mood to close the chapter, accepting the furfural firm's offer, MGR knew how to deal with it and him. The file was to be put up to him with a note from the Secretary. The file went up to the Chief Minister, without a moment's delay, but without a note from the Secretary. Seshan did not want to scribble any note that might have been a hindrance or help to the Chief Minister. He could have written only one note, one that MGR would not have wanted.

How it was disposed of was not Seshan's concern. With him or despite him, he knew what was going to happen. MGR had made up his mind. Others had made it possible. What was of limited interest to Seshan then was MGR's decision to "bring him down." When Chief Secretary Karthikeyan summoned Seshan shortly afterwards that very day to tell him that he was being "brought down", Seshan had only one request: it should take place then and there. His wish, for once, tallied with MGR's without the latter's knowledge.

The Agriculture Secretary who was to be relieved, however, wanted two or three days to pack up and move upwards. Seshan saw two options before him. One, take leave until his replacement was ready. Two, attend his office as usual without taking any decision on any file. Karthikeyan said he had orders that Seshan was not to be granted leave. So the Industry Secretary went back to his room and dictated an order that no file should be put up to him.

Such self-negating orders are seldom put out by bureaucrats. When Seshan moved out of that post, he was providing proof for a bureaucratic superstition that brahmans had no place at the helm of industrial affairs in Tamil Nadu. Seshan had been inducted into that post when R V Subramaniam was the Advisor to the Governor when Tamil Nadu was under President's rule after the dismissal of Karunanidhi's ministry.

Seshan had joined there not when he was exactly unhappy in his earlier job. He had a long satisfying stint in Bombay in the Atomic Energy Commission under Sarabhai after his training in Harvard. Harvard was where he had the quietest period after he entered service. It was one full year of education and exposure to modern methods of management. Jayalakshmi had a small job in the university library on a daily wage basis. It earned them just enough money to go round America.

They were young. They had not had time to see places. At the end of the course, whatever money had been saved came in handy. Seshan and Jayalakshmi chose an unconventional mode of transport. They went round a large part of United States by bus. A non-stop travel for a month. There was no money to stay in hotels. Trips were so arranged that they would not have to rent rooms. Night travel was exhilarating. The only problem was food, the problem an unregenerate vegetarian would face in any non-vegetarian culture. When he was back in India with an assignment in Bombay, Seshan had brought home the memory of a new friendship. He had Subramanian Swamy as a friend who was to blaze into politics a few years later and cast a shadow much larger than his size. The lessons Swamy had taught and the warmth of intimacy bred between him and Seshan in Harvard were to be a ugly contrast to the total collapse of their friendship several years later.

If Sarabhai's end had not come so suddenly in 1971, Seshan might not have left Bombay and joined Space Commission in Bangalore where he worked till 1976. But when he joined as the Industry Secretary in Madras when Tamil Nadu was under President's rule, he scarcely imagined that he would one day be walking into an inhospitable region of corruption and servility where MGR had emerged as a deity. The Kolandaivelus were the devotees.

That was how Kolandaivelu found thrust upon him a Secretary who thought "he alone was intelligent" and who "terrorised his subordinates." Whether Velu or MGR or their patron saint Annadurai, Seshan was finding it hard to get along with them just as they were with him. As the ungainly warfare was on, Seshan himself took the initiative to rid Velu of his scourge by seeking an appointment elsewhere, even outside Tamil Nadu. The post that came his way was of Member(Personnel) in Oil and Natural Gas Commission in Dehra Dun. Seshan was happy to shift to the cool climate of Dehra Dun from the tropic of rising Dravidian passions. When he left Madras after what was to be his last posting in the state to whose cadre he belonged, he felt relief.

ONGC offered him little challenge. Once workers' problems were settled, there was nothing much more for him to do in his office than read Kishkindhakandam of Valmiki's Ramayana in its original Sanskrit or tune in Vividh Bharati for an occasional veena recital. Seshan who had the image of a man difficult to deal with had no problem dealing the large work force of the gargantuan oil agency.

In New Delhi, Janata Party which had stormed into power ending Indira Gandhi's regime was determined to provide third rate political entertainment with its little quarrels. Seshan was reduced to grazing in the outlying lands of administration in Dehra Dun. He had an impression that he would be made ONGC's Chairman in due course but somewhere something stood in his way. When he had had enough of his stint in Dehra Dun, he approached Cabinet Secretary N K Mukherjee for any suitable posting in the administrative mainstream but that was not to be. Seshan decided to go on leave.

And then withdrew his leave application.

The weather in New Delhi had changed, politically. Indira Gandhi was riding back to power in early 1980 with the promise of a government that would work. Many senior officers who had earned for themselves a niche in the Janata Party's scheme of things by saying suitably bad things about Indira Gandhi and advertising how they had suffered the Emergency regime or worked to thwart it were also planning to have a holiday.

Seshan needed no such holiday, not as an excuse in any case. Much less did he want to send round an impression that he had clambered on to the anti-Indira bandwagon. He had little to do with the Emergency administration. Nor had he been recruited as a Janata favourite. Tactically, he withdrew his leave application.

When Indira Gandhi was back in power in 1980, Seshan was rehabilitated. He was sent back to the Space Commission in Bangalore where he had felt at home except in those days of ruptured relations with Sethna. His "bully" image which Sethna had sought to project had been corrected, courtesy Indira Gandhi. Things were once again looking up.

Bangalore was quiet. He felt at home. Issues of space research involved him in a satisfying endeavour. There was no commotion for four years. It awaited him in New Delhi where he was to head later a newly created Forest

Department. It was a changeover from the concerns of the skies to the concerns of the earth.

11

Green Concerns

There was an evident lack of glasnost, as far as Seshan was concerned, when Mikhail Gorbachev visited India in 1987. The prophet of openness was in New Delhi, hogging inevitable headlines, radiating confidence and goodwill, offering aid for an Indian project which had to be discussed behind the back of one man— Seshan.

He was closely associated with that project as the Environment Secretary but, or because of that association, he was consciously kept out of a crucial meeting of secretaries which cleared it. It was a project all but abandoned before Gorbachev arrived. When aid appeared coming, Gorbachev promising a few billion roubles, there had to be a massive project to absorb it. Nothing could have been more massive and impressive than the abandoned Tehri dam.

The clearance came at a meeting of secretaries taken by Cabinet Secretary B G Deshmukh, where Environment Secretary Seshan was, as he would put it, "disinvited". He could not have been possibly invited. He had wanted the project dropped and all money sunk into it so far written off as unprofitable. After having taken such a position, no one, much less Seshan, could have concurred with a contrary decision being taken in the name of diplomatic exigency. When openness was the refrain in political salons, Seshan for one found a little lack of it.

Tehri dam had a hoary history. Civil engineers and contractors had painted verdant pictures of sprawling fields which could be watered when the dam was built. Projections of farm production were striking. The effort was to create a colourful illusion of development by employing the magic of statistics. The gains of Tehri seemed overwhelming when presented through the poetry of civil engineering and the politics of works contract.

There was but one group which was not entirely fascinated: the people of Tehri. They had no defence against that intellectual onslaught launched in a language unknown to them. They had only an instinctive awareness of the changing moods of Mother Earth. Their knowledge, or lack of it, and their fears, qualified as superstition. If their stance signified an unexplained alternative paradigm of growth, it was dismissed as a resistance of ignorance to change and development.

Those who believed they knew all the rights and wrongs of every human intervention and the mysteries of every natural phenomenon had only contempt for the people of the valley of the Himalayas, humble people who could not comprehend the jargon of statistics and technology. Those children of the hills were alarmed. Their movement, led by a grand old bearded man with a band of cloth keeping his unruly hair in order, Sundar Lal Bahuguna, still raged constantly, making it difficult for the pundits of development to ignore all apprehensions. Prime Minister Indira Gandhi sat up. She asked for a study of the project, a fresh close study in the light of the people' fears.

The experts too did not speak in one voice. Some of them shared the unexplained fears about the dangers of disturbing the rhythm of the hills. The working group Indira Gandhi set up under S K Roy, an environment expert, was divided right from the beginning. There was an interim report but all it said was that there was need to study more before a recommendation about the advisability of the dam was given. All environmentalist members of the working group complained that they had not been given enough data on a variety of parameters like seismicity, reservoir rim stability, catchment area treatment and siltation rates.

Whether such data had not been collected adequately or whether it was being deliberately withheld from those who might hold inconvenient views was not certain. The fact was that enough information was not available to justify a declaration that Tehri was a safe project, a necessary project. Yet a draft report was prepared for the committee without considering those parameters. Who, how and why were not questions many asked.

Roy rejected that draft report. In August 1986, he gave his own report disfavouring the dam in consideration of the "known instability of the hillsides, the extensive deforestation and the location of the Tehri Dam in a highly sensitive seismic zone." Indira Gandhi who had asked for an expert report was no more when that negative report of the study came. Four years later, an environmental appraisal committee headed by D R Bhumbla, a renowned agricultural scientist, also held that the Tehri dam did not merit environmental clearance and should be dropped.

When Roy's report, pointing to the seismic sensitivity of the region, the possibility of the ecology of the Himalayas being upset and the human misery that might be unleashed with the construction of the dam, was placed on the Environment Secretary's desk, the man who sat behind it was Seshan. He was the Forest Secretary when Prime Minister Rajiv Gandhi decided to amalgamate the departments of forests and environment. The new post of the Environment Secretary, almost naturally, went to him.

A good deal of money had by then been sunk into Tehri. Civil engineers and contractors, and politicians who got their due share, were ecstatic. Tehri looked like a mine of gold. One great justification for the project was that Rs 250 crore had already been spent on it. If that was not to go waste, the dam had to be built, seismicity or no seismicity. An enlightened government should not be stymied by a pseudo-romantic movement for conservation of the idyllic peace of the Himalayas.

Seshan thought otherwise. His opinion was categorical. He concurred with Roy's report. The Environment Secretary's recommendation was that the project should be abandoned outright and all money spent on it written off as unprofitable. The recommendation was before Rajiv Gandhi when Gorbachev came with an offer of aid. There had to be a project to absorb that aid, a project gigantic enough to befit the Soviet might. Tehri was ideal.

Under the Indo-Soviet agreement, Soviet Union was to give technical and financial assistance for the project, execute the entire power component in both stages and the transmission system on a turnkey basis. Anything like 1000 million roubles would have come from that country. The Soviet experience in high dam construction was also highlighted. It had built the Nurek dam and the Rogu dam in central Asia's seismic zones. Involvement of such Soviet expertise in the construction of the Tehri project would, it was hoped, remove all misgivings.

Bitterness welled up in Seshan's mind. He was upset not so much because a decision had been taken behind his back as because it had been taken at all. Rajiv Gandhi, whose concern for environment was, he knew, as deep as his, had to yield to compulsions of politics and diplomacy. An idol looked wavering, for a moment, cracking. Seshan was not sure whether he should sympathise with Rajiv Gandhi in his moment of helplessness or revolt against those who were forcing his hands.

Revolt, on second thoughts, was pointless. He should state his case, state it forcefully, and give it up when the ultimate decision was to be taken by someone else who might be governed by a different set of considerations which had not bothered him. When he heard Tehri was finally cleared, Seshan sat back in his chair, tilting his head backward as he often did while pausing for an answer to a puzzle, and mentally recited his favourite lines from Gita:

"You have right to work only, not its fruit."

He lost again. The battle for Narmada was ungainly, with the Chief Ministers of four states, Gujarat, Madhya Pradesh, Rajasthan and Maharashtra ranged against him. There was a growing passion for construction and its monetary windfalls even more. As the Environment Secretary, Seshan found it an "uneven" battle, with almost everyone who had gathered for that crucial meeting finding one reason or another to go ahead with the mega-project across Narmada. The meeting which Seshan had all along known would be loaded against him started, unusually, late because two people did not turn up on time—Rajiv Gandhi and Seshan.

Both were attending another meeting elsewhere in the capital, convened in honour of the great bird-watcher, Salim Ali. As speeches lengthened uncertainly, Rajiv Gandhi whispered in Seshan's ears that he was to leave for another meeting in where the participants might have already begun to arrive. Seshan was rather surprised. It was a meeting where he had to be present as the Environment Secretary to welcome the Prime Minister and others.

It would be odd for the Prime Minister to reach before him. There was an unwelcome case to be presented. An effort had yet to be made to make the Chief Ministers see his point. He had to go. If he did not, newspapers which he had never learnt to cultivate would have an opportunity to celebrate what they might call his ultimate indiscretion. As Rajiv Gandhi got up, saying "I would welcome myself", Seshan too moved by a reflex action and headed for a meeting in Race Course Road that was to be as painfully uneven as it was crucial.

The Prime Minister too agreed. It was indeed uneven but not the way Seshan had seen it. The way he presented his case against the project, much like a one-man armada, Rajiv Gandhi said, it would seem the conference was "uneven" to the disadvantage of those who pleaded for it with all the vehemence they could command. The end was however in their favour. As B G Verghese says in his book, Winning the Future, "MOEF was prevailed upon to relent and finally did grant conditional clearance on June 24, 1987 for both NSP and SSP and forest clearance (for the SSP alone) on September 8, 1987."

The environmental sanction for the project had to be recorded then and there, amid the din of the unending conference. Seshan had but a limited victory. The sanction was conditional, the condition being that if the project was, at any stage, seen to be causing havoc to the environment, it could be halted. As Seshan put it, the department of environment would then have the right to declare, unilaterally, that the project shall "cease and desist."

Nothing of the sort has since happened. The project is on, notwithstanding a relentless agitation led by Medha Patkar and others. It would have been naive to assume that many in New Delhi's cloistered officialdom would dare or care to call a halt to a project which had consumed so much of money. No one has ever thought it necessary to invoke that condition of the order of environmental sanction. Maybe there has been no violation of environmental safeguards. Maybe it is impolitic to rake up an issue over something involving so much of money, so many contractors' fortunes and politicians' well-being.

Bodhghat was not like Narmada. Like Soviet aid was available for Tehri, America had promised 600 million dollars for this great project in Bastar in Madhya Pradesh. Work had started and Rs 20 crore had been spent. That was when rumblings of opposition rose from the unschooled tribal people of Bastar. Forests and trees which gave them abode, which held together the earth on which they stood, would be wiped out in several thousand acres when that engineers' dream project came up. Seshan knew, as well as anyone else, that all promises to create new forests were simply made, seldom meant to be kept. Rajiv Gandhi concurred. And it was off.

Not so a project in Seshan's native Kerala. Kayamkulam thermal project, which had been announced with great fanfare, generated, instantly, an equally vehement opposition. There were fears that its impact on coastal ecology would be sinister. Seshan endorsed them and held back clearance for the project. Because of the pressing demands of power, politics and construction, it was revived, but not before Seshan was out. Any project from his native state was anathema to him. As the Forest Secretary, he had occasions to study and discuss elaborately with everyone concerned the enormous extent of deforestation that had taken place in that great land of greenery over an amazingly short span of time.

Seshan was once holding forth on the glory of forests, invoking the Vedic salutation to trees, vanaspataye namah, and explaining the scientific aspects of the ecosystem, when his honourable listener, Avukkaderkutty Naha, a minister from Kerala, shot back with arresting simplicity in Malayalam, spoken with the inimitable accent of a Malabar Muslim. Naha was clearly not impressed by such highfalutin arguments that forests were necessary to bring rains. "How come it rains in the Lakshadweep Sea? Are there trees there?"

For a moment, Seshan was speechless. He is not used to ending a debate without stating his case forcefully, whether he wins or loses. This time, he felt, he should be reconciled to losing the bout without even stating his case. He opted out of the discussion with the honourable minister, saying with utmost deference: "You are right, sir."

The Ministry of Environment had a scientist as its first Secretary but then it passed into the hands of IAS officers. Before Seshan, Kalyanakrishnan held that post for a while. Seshan's temperament and character was to have a bearing on the enlarged ministry's outlook and performance. Like he does everything else, he took his assignment as what mattered as much as anything else in the world. That attitude gave the ministry an image of importance. So much so that Verghese was tempted to say: "At a broader level, a Ministry of Environment(and Forests) had come to be established as the newly-found conscience and custodian of the country's environmental interests. Inexperience and zeal combined to make a heady brew and the new department acquired considerable clout from its ability to say 'no'."

It was Seshan who set the trend of saying "no" with a firmness that would drive home to the construction-crazy civil engineers and politicians the message of ecology. When their pressure came, Seshan's resistance grew. He was thorough with his facts and eloquent in his presentation. Nothing but an active intervention by the Prime Minister would alter his decision. His decision would still not be altered, it would only be overruled.

Bhajan Lal knew it when he intervened once. He was a minister who had some political clout. The wily Haryanvi never hesitated to use or demonstrate it. There was a seizure of a huge quantity of frog legs. Why Bhajan Lal should be interested in the case was a matter of speculation. He made an effort to make light of the case and wanted those involved to be let off. Seshan remained firm. He was even firmer when he knew that a minister was anxious about the lot of the offenders.

By a quirk of political currents, it was left to Bhajan Lal as the Chief Minister of Haryana to arrange a function in August 1994 when the first set of identity cards to voters in the country were given away in Karnal. Seshan and Bhajan Lal shared the platform, the latter giving an impression that he was a paragon of democratic virtues and that he held Seshan in high esteem. When he gave away the first card to an illiterate voter at a glamorous function in that township known for its bovine breeds and achievements in animal husbandry, Seshan described it as a landmark in the annals of Indian democracy. Somewhere in a corner of his mind, he heard a mild ripple of laughter when he waxed eloquent.

Seshan was the Environment Secretary when the legislation on protection of environment was given teeth. Relevant laws of all major countries were examined before finalising the draft. India's law on environment, Seshan says, is perhaps a model legislation. Given the will to implement it, Indian law is the strongest. But for its provision prohibiting the use of forest land for non- forestry purposes without the clearance of the Central government, how many thousands of hectares of green forests might have been rendered bald is a matter of conjecture.

When he became the Forest Secretary, his department had no more than ten people in it, peons and stenographers included. Over the years it became one of the most powerful departments, capable of saying "no", as one commentator put it, when politicians and civil engineers came up with proposal after proposal to clear forests for one project or another. Forestry research institutions were invigorated and areas of study redefined. Scientists who stagnated in the same salary structure were classified into groups so that their emoluments would rise as a matter of course.

Looking back, Seshan finds his work as the Environment Secretary was more rewarding than any other assignment he had taken up so far. The Environment Secretary was a visible presence in New Delhi's power structure. It was Seshan's no-nonsense approach to things that prompted Rajiv Gandhi to entrust him with an inquiry into that clumsy attempt on his life at Raj Ghat on Gandhi Jayanti, and later appoint him as the Secretary(Security).

As the Defence Secretary and the Cabinet Secretary, Seshan was merely serving a term. There was perhaps nothing extraordinary about his term. That others saw him as obstreperous, wielding his authority in all its fullness, clashing with anyone who crossed his way, is a different matter. When he was sent for 'study' in Yojana Bhawan, he had a spell of non-work. If the political cauldron had not boiled over, he might have retired uneventfully in December 1990 and moved to St Mary's Road in Madras where his old house had all been done for him and Jayalakshmi to stay.

The cauldron boiled over. The tenant in his house in Madras got another extended lease. In 4 AB Pandara Road in New Delhi, when he should have been packing up, as planned, to move to Madras, Seshan was, on that December day in 1990, driving down to Nirvachan Sadan on Ashoka Road to begin a tempestuous phase of his life. When he covered the five-kilometre route between home and office, his mind was still, almost blank. He had no idea what work awaited him. There was perhaps nothing. No one ever thought that he was then driving himself into national focus.

12

Farewell to Gods

Seshan is no iconoclast but what he did on his first day in Nirvachan Sadan was throwing out all kinds of gods who had made it their abode. The Chief Election Commissioner's room was full of them. Walls were adorned with multi-coloured calendars from which a variety of deities, one with a trunk, another with a trident and yet another reclining on a huge serpentine bed, looked out unfeelingly. How long they had been there was not known but it was clear they had gained permanent tenancy through years of occupation. Elections in such a large and diverse country like India could not have been conducted safely without gods' grace. And, those who ran them needed it more.

Seshan has nothing against gods. He is nothing if not religious, though he loses no sleep at night if he does not visit a temple during the day. Gods should by all means have their own shrines. The office of the Chief Election Commissioner is not one of them. So, out they went. Within the first hour of his arrival in Nirvachan Sadan, all deities were banished. There was no calamity, except that the walls looked clean.

Several other things remained to be thrown out. One lay in CEC's large room, an ancient armchair on which Seshan's eight predecessors beginning with Sukumar Sen might have had a snooze after the morning's boring meetings for years. Bugs had begun to climb upon that chair. It was one of the first pieces of useless or broken furniture to be carried out of Nirvachan Sadan when Seshan took over command.

Anything at the wrong place would upset him. A three-legged chair, a leaking tap, a loose wire, an unkempt lawn, anything at the wrong place. A clerk in the canteen's kitchen, when he should have been typing out an order of postponement of an election, will ignite Seshan's anger. That is not one of life's nicest things to face. By and by, they learned to live with him, all those used to playing cards on the wild lawns when they should have been making some index cards in the office and those who liked to have a long stroll soon after working hours began.

Loitering in corridors was stopped. Unauthorised outsiders were denied entry. Guests who came for gossip were not to be entertained. Whosoever was found reading stories of a celluloid love in the library during office hours would get a little note from his boss. No one was to lie spreadeagled or sit cross-legged for an endless chat and sunbath in the lawns. Seshan meant business. Others became busy.

Suddenly, he would walk into the canteen and ask for a cup of tea. Then, as another employee, a peon or an under secretary, got a cup and walked away, Seshan would exchange his with that person's. If he found it bad, possibly worse than what might have been a special concoction for CEC, the canteen manager would not be a happy man. No one ever knew when CEC would choose to go to a toilet outside his room. It could not stink. Nothing in Nirvachan Sadan could. It was stinking, when Seshan came, because there was no water. No one bothered.

There must have been an obsession with dirt and stench when that building was built. Like it is perhaps when every public structure is made. Water would be scarce and materials substandard. Those whose job is maintenance would be duly idle. That, Seshan said, may be possible anywhere but Nirvachan Sadan. He had a sump constructed and water was in abundance. He told his housekeepers he would no longer accept scarcity of water as an excuse for filth, stench and apathy that pervades every public office. It is now the cleanest public office in the capital. Others may be ornate, complete with carpets and panels and what have you, but none can be cleaner than Nirvachan Sadan.

Seshan likes challenges—to give them as well as take. One challenge he has for house-keepers of offices in Delhi. "Show me in my office one tap without water or one which is always dripping. Show me one holder without a bulb. I will slice off my ear!" No one in Nirvachan Sadan would like to see CEC giving such a beautiful gift to anyone.

Some employees were up in arms when Seshan planned to evict Indian Bank which was running a branch in Nirvachan Sadan. The branch had accounts of all people from all places, not merely Nirvachan Sadan. The Election Commission's office, CEC said, is not a market place. Either the bank would restrict its clients to the Election Commission or clear out. The bank had friends among some employees who protested. They came up with a grouse that a facility long available to them was being denied. "Nothing once given could be withdrawn" was the maxim. Nothing, in fact, was being withdrawn.

Seshan had thoughtfully made his contingency plan. If Indian Bank was recalcitrant, it had to be put in its place. There was no dearth of banks which were ready to do the CEC's bidding. Indian Bank, in the event, shifted. Punjab National Bank moved in, all too happy to open a branch exclusively for Nirvachan Sadan. The idea was to make Nirvachan Sadan a place where outsiders would be allowed only on a need-to-visit basis.

Some outsiders who never imagined that things could be different found how painfully wrong they could be, how unusually firm CEC could be with them, when they went for a "visit" to a relative in Nirvachan Sadan. It was a dull day in September 1992. The office had just opened. Sheela Devi, a last grade employee, was lost in an engaging banter with her brother and nephew in the reception room when

Seshan walked past. The time and the venue of the banter and the presence of outsiders who had no visitors' badges with them were all odd. Seshan made an issue of it. Newspapers made a bigger issue of it, indignant employees ably feeding them with an abundance of anti-Seshan stuff.

An employees' leader resorted to superlative abuse which easily comes to those of his tribe. "Seshan has unleashed a reign of terror," he shouted. Sheela Devi whose name had not appeared in print except in the voters' list ever before had her short speech reproduced in four columns in Hindustan Times. Her rhetorical question, "Seshan ko gussa kyon aata ha," was featured prominently with her picture. Newspapers had it seldom so good.

Indian Express chose a simple title for its editorial: "Seshan must go." It said: "Mr T N Seshan's latest act of highhandedness which led to a lightning strike in the Election Commission's in Delhi on Monday, does just underline the Chief Election Commissioner's proneness to outbursts. His order to arrest two employees of the Commission...suggests a frightening tendency to react abnormally...He can hardly be allowed to continue in his present position." Times of India was not prescriptive; it chose to sound prophetic in its leader: "It has become difficult for Mr Seshan, faced with a revolt by his own subordinates, to continue his already extremely controversial tenure at the election commission."

The prophesy was not true. It had not become difficult for Seshan to continue in office. He continued in the face of worse struggles, winning the cooperation of the very same employees. But it was in those early days for many opinion groups to revile at Seshan. When having fun, no one, Sheela Devi's apologists not the least, bothered to ask why a last grade employee hold such a great summit so early morning in the reception room of Nirvachan Sadan.

The fact is that Seshan's ways are apt to seem harsh, as those who are used to the old ways of sloth would see them. There were many in Nirvachan Sadan, as elsewhere, who had decided that they would seem to be doing some work only when they worked for an overtime allowance. No one, CEC ordered, should work after office hours. There was really, in his assessment, little work to do even then. The salary day was an exception. Those in the payment section could work overtime. Nirvachan Sadan's overtime allowance bill shrunk from Rs 7 lakh to half a lakh a month.

Such changes could have pleased few. "Who is this man to ask us to change a style we have followed for so long with impunity? Fight him." That was the attitude Seshan encountered when he began quite like anyone else who grew impatient with our system of sloth and alibi. Others might give up in disgust or under pressure. Pressure from any other source only makes Seshan tough, tougher. For all their resentment and resistance, Nirvachan Sadan's employees finally saw Seshan's point and learnt to live up to the minimum standards set by him.

Had they not changed, perhaps without their knowledge, they could have waged a more satisfying war with Seshan when two new alternative centres of power were created in Nirvachan Sadan under official sponsorship. G V G Krishnamurthy and M S Gill had joined the Election Commission with an unambiguous brief to go for battle with Seshan. Nirvachan Sadan's employees, most of them, could have been their useful mercenaries if Seshan had not by then won them over, of course, on his terms. As it happened, they were with Seshan through and through, and not because of his "reign of terror." Murthy and Gill were, for many of them, much like occasional guests in a neighbouring lodge.

Seshan's early days in Nirvachan Sadan were devoted to introducing some systemic changes, besides cleaning up its premises, making people attend office on time and ending the stagnation in their career. Officers visited all polling stations in the country, some seven hundred thousand of them, to assess afresh their safety and suitability. Polling stations vulnerable to booth-capturing, often deliberately so arranged, were changed. Fairness of elections depends, to begin with, on the safety of the place where people go to cast their votes. The cleaning process was beginning, this time of a different kind, on a larger scale.

From Sukumar Sen to Peri Sastry, all Chief Election Commissioners had left it to Chief Electoral Officers to choose returning officers. They too were not exactly choosing. Those who were made available to them were accepted without questions, without a moment's thought. No one ever felt it was worth a moment's thought. A veterinary surgeon was as good as a revenue divisional officer, an assistant executive engineer no worse than a district medical officer(homoeopathy), when it came to the nomination of a returning officer.

An official unfamiliar with the basic rules of general administration always helped the cause of an unfair election. When the poor returning officer fumbled, unable to make up his mind when a dispute arose, could be depended upon to make life easy for the bullies among the candidates or their agents. Perhaps for the first time in the history of Indian elections, a firm direction went from Nirvachan Sadan in New Delhi that those chosen as returning officers had to be people with a reasonable knowledge of the rules of general administration. No more of persons who treated animals or ran turbines as returning officers.

Seshan's problem is his speed. There was a daunting arrears of work when he became the Chief Election Commissioner. His predecessor, Peri Sastry, had recorded 1600 pages of notes after umpteen hearings in a symbol case in which the self-proclaimed inheritors of the disbanded Janata Party of 1977-79, an outfit put together no more than as a temporary answer to Indira Gandhi, and Subramanian Swamy who had adopted that name for his non-organisation, were rivals. There was no decision. Seshan heard the case once and the decision was given. It went in favour of Swamy. No one protested, never seriously. Everyone knows, deep down in his heart, that an election cannot be won merely with a symbol.

Cases relating to election expenses had also mounted. The rules prescribed that every candidate had to submit an account of his expenses for the election in a particular manner. The veracity of such returns was not so much as a question then as Seshan made it later. All that a candidate had to do was file a return in the prescribed manner and the returning officer would have to accept it as gospel truth. But even that silly exercise was too much of a bother for thousands of leaders who set out to lead the people. They did not submit even those absurd returns.

Seshan had a look at 40,000 cases and 14,000 vote-seekers were disqualified from contesting elections for a given period. A cut-off date was fixed for verification of expenses account. Every candidate who had figured in the elections since 1987 was subjected to a probe. The exercise was easy, though no one had ever thought it necessary to go through it so elaborately. Seshan did.

As many as 14000 people who had contested elections had not even bothered to meet the statutory requirement that they should submit returns of expenses in the prescribed form. The decision to disqualify them was summary. Why such political flotsam and jetsam entered the electoral fray, whether to immortalise themselves in the annals of polls or to earn some quick buck by blackmailing more serious candidates, was not Seshan's concern. His job was to see if rules had been followed. Those who had not cared to follow them were simply out of them. Good riddance.

Controversy had begun to shadow Seshan even before he went to Nirvachan Sadan to relieve Law Secretary Ramadevi. Many politicians suspected that he was being inducted there to subserve the Congress cause. They harked back to the days when Seshan as the Cabinet Secretary tried hard to defeat a bandh organised by opposition parties in the final phase of Rajiv Gandhi's prime ministership. Commentators came up with appropriate interpretations. Ramadevi also found sympathy flowing towards her.

She is an unassuming person. Being a woman earned her goodwill. From a humble legal environment in Andhra Pradesh, she had risen to be the Law Secretary to the Government of India. And then as the Chief Election Commissioner, "acting" though. She had been there in Nirvachan Sadan for less than a month, holding a status higher than what she then had, when Seshan walked in to relieve her.

Ramadevi could not have been pleased. But she was polite. Unlike those mightier men who were installed in Nirvachan Sadan to reduce Seshan to splendid irrelevance two years later, Ramadevi was a study in grace when she went through the motion of relinquishing the office she had assumed in an act of ignorance. It was an office she could not have held when she remained the Law Secretary. She held it on the strength of a duly issued notification but the notification militated against the spirit of the Constitution. The legal luminaries of the government did not think of such niceties for a moment.

Nor had Ramadevi thought of them. She should have. More than anyone else, it was her responsibility to advise the government that an officer of the government could not act as the Chief Election Commissioner without violating the Constitution. Maybe all that did not occur to her or anyone else when the office of the Chief Election Commissioner fell vacant with the death of Peri Sastry. Someone had to be found immediately to hold the fort in Nirvachan Sadan. The Law Secretary was readily on hand.

The Constitution has a grey area. It does not say what can be done when a person holding the office of the Chief Election Commissioner falls acutely sick. The Chief Election Commissioner goes out of office either when his term ends or when he chooses to resign. Or dies. The only other way to end his term is to impeach him. Peri Sastry had fallen ill for a few months before he died. How to replace him was a ticklish question. In those days of confusion, Ramadevi or other legal advisors of the government forgot the basic reason why the framers of the Constitution had defined the Election Commission as an authority independent of the executive.

That was another reason for Ramadevi to be embarrassed when Seshan came to relieve her from the office whose concurrent charge she held. Yet her exit from Nirvachan Sadan was seen as a cleverly stage-managed event. Seshan's entry was seen with suspicion in some political quarters. Because of some built-in antipathy towards Seshan, commentators on his appointment and Ramadevi's removal looked at it all differently. Some people saw in it a Tamil-Telugu war, ending in a Tamil victory. The only fraction of truth in that campaign was that Seshan speaks Tamil and Ramadevi, Telugu.

The campaign never ceased. Newspapers wrote about Ramadevi's removal even two years after the event. When it looked a persistent campaign to generate an impression that she was summarily sent away because Seshan had to be accommodated, he thought it was time to set the record straight. He asked the government to withdraw the notification appointing Ramadevi as the Chief Election Commissioner retrospectively since it was patently unconstitutional. The Latin-infested legal lingo, as Seshan borrowed it, was "ab initio totally void".

On August 20, he had a letter sent out from the Election Commission under the signature of Secretary Mendiratta to the Law Secretary. Zafar Saifullah, who owed a lot to Seshan, had by then become the Cabinet Secretary. A copy was duly marked to him also. The four-page letter set out the constitutional position and concluded:

"During the period in which he holds the office of the Chief Election Commissioner, no other person can be appointed to officiate in his place, even if he goes on leave of any kind or is not in a position to discharge his functions for any reason whatsoever. The Constitution nowhere envisages the appointment of any 'officiating Chief Election Commissioner' vice the regular incumbent of that office."

Nirvachan Sadan's argument was that a notification which was "ab initio totally void" should be rescinded retrospectively. Whether it was so cancelled or not is a finer point of legal history. What was important was that the Election Commission formally wrote to the government to point out that it had committed a constitutional lapse which needed to be corrected.

When Mendiratta wrote that letter to the Law Secretary, Seshan's fight with the government reached a flashpoint. That was a point of time when he felt he was under surveillance, when his security guards did not seem to be giving him protection as much as they were perhaps spying on him. He suspected that the powers-that-be wanted to know whom he met, where he went and what he did. His phones were tapped.

A news agency, United News of India, which circulated a story about his bizarre behaviour with his security guards is still facing the music. The story which was lapped with alacrity by most newspapers was that Seshan had ordered his security guards to shoot at a car which was speeding along ahead of his bullet-proof Ambassador. The image that emerged from the story was of a man who had gone down the bend.

Seshan was going back home when the incident happened. The car was almost crawling. No one with Seshan's penchant for speed could have felt at ease when his driver seemed to take everything easy. He grew as suspicious as he was impatient. Had his security guards been drafted to protect him or to render him vulnerable? If it was impertinence or inefficiency on the part of his securitymen, he would have none of it.

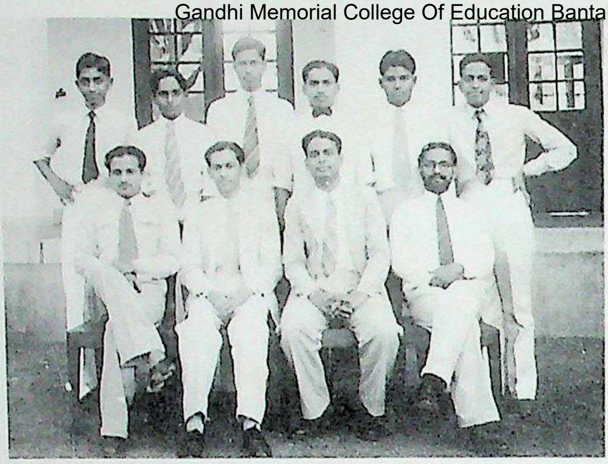
He created a scene. "Please stop the car right here," he told the driver at an intersection near India Gate. As soon as it screeched to a halt, Seshan jumped out of the car. He would not travel in that car with the same guards without an assurance that he was safe. He was merely creating a commotion to prove his point. The Home Ministry sent to him the next day senior National Security Guard officers to apologise. They had to wait for a while, perhaps a long while, in his drawing room, staring at the blank wall, before he met them. There was no use for apology. Seshan suspected that policemen were being funny.

Bad news about him was being gobbled up with relish in those days. When UNI put out a story, that Seshan had ordered his security guards to open fire on a car ahead of him and the guards defied him incurring his wrath, there was a credulous clientele for that too. It was perhaps the assumption that nothing was beyond Seshan. His reaction was unexpected. He did not ask his officers to run around correcting the impression. He would not ask UNI to apologise. He slapped on it a defamation suit. If he wins, he will get Rs 1 crore as damage relief.

Sub-Collector, Dindigul,
1957

Chief Election
Commissioner, 1994

Defence Secretary with Prime Minister.
Red Fort, August 15, 1988

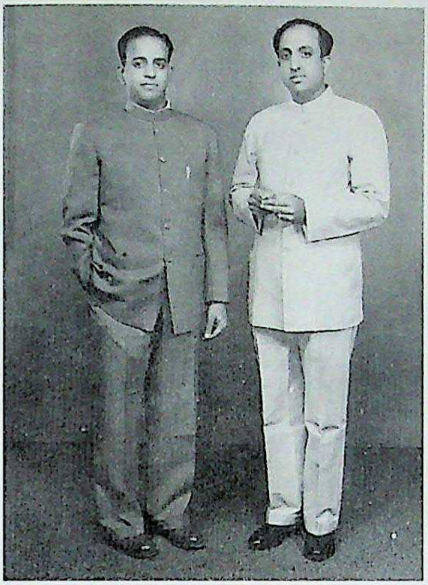


Onam in Madras, 1951

Physics Hons. student, Madras Christian College

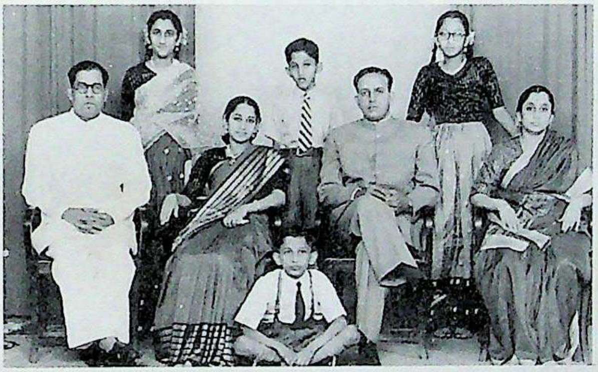
Seshan's father and nephew

Brother and family, 1959



Two IAS brothers

Wedding photo, 1959



Father-in-law and family, 1959

With compliments from Gemini Ganeshan, 1966

Transport Director,
Madras, 1962

A function with
Chief Minister, K. Kamraj,
1964

King of Nepal in
Madurai temple

A film star cricket
match to raise funds
for Jawans' welfare,
Madurai, 1965

A function to honour
C.V. Raman, 1965

Subramanian Swamy
and friends

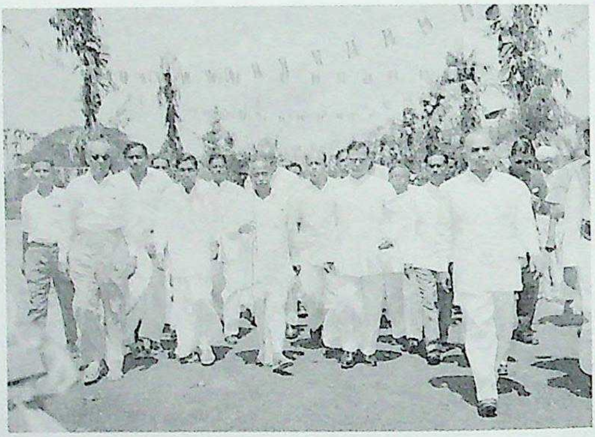
CM Bhaktavalsalam
at a function with Collector
Seshan, Madurai, 1966

Indira Gandhi as Prime
Minister in Madurai,
1967. PM is PM during
election tour too.

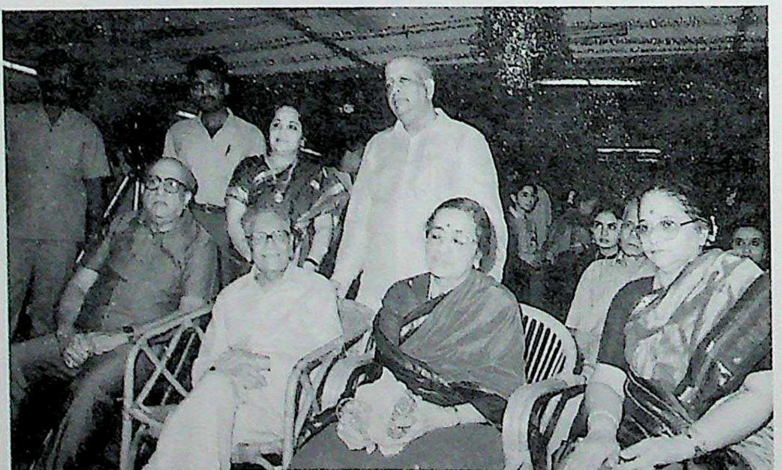
In Madurai temple, 1967

A Dussehra pose in
Mysore, 1960

A function with
Chief Minister
Annadurai,
Madurai, 1967



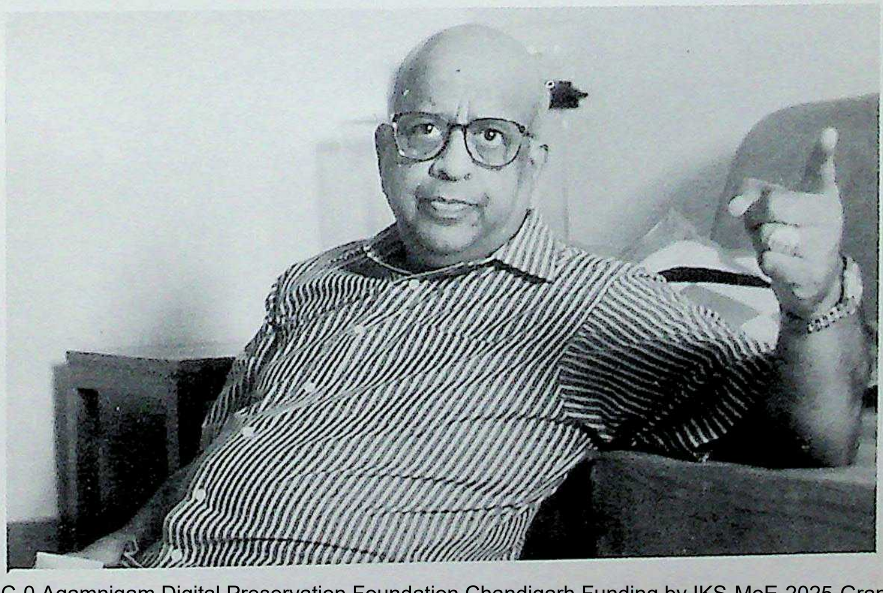
A reception for
Chief Minister
Annadurai,
Madurai, 1967

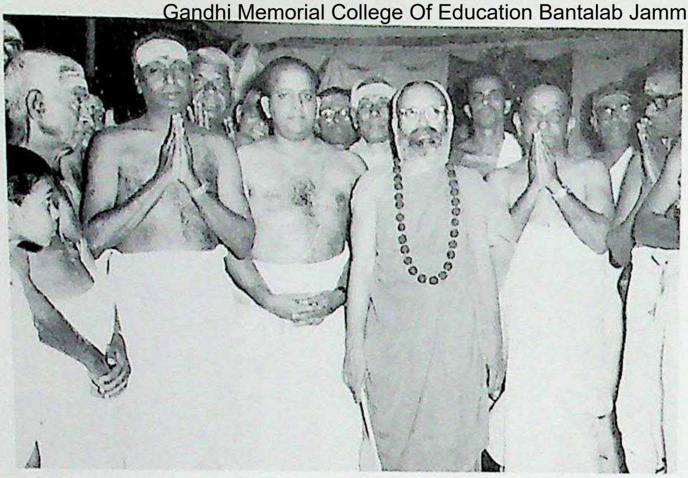


A function with R. Venkataraman

Rashtrapati Bhawan, June 1991.
Shortly after Narasimha Rao's
swearing-in as PM

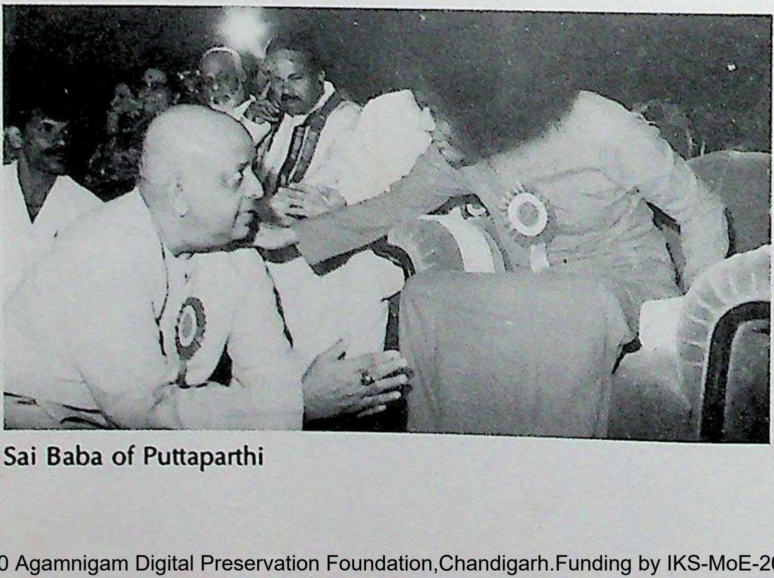
I tell you . . .



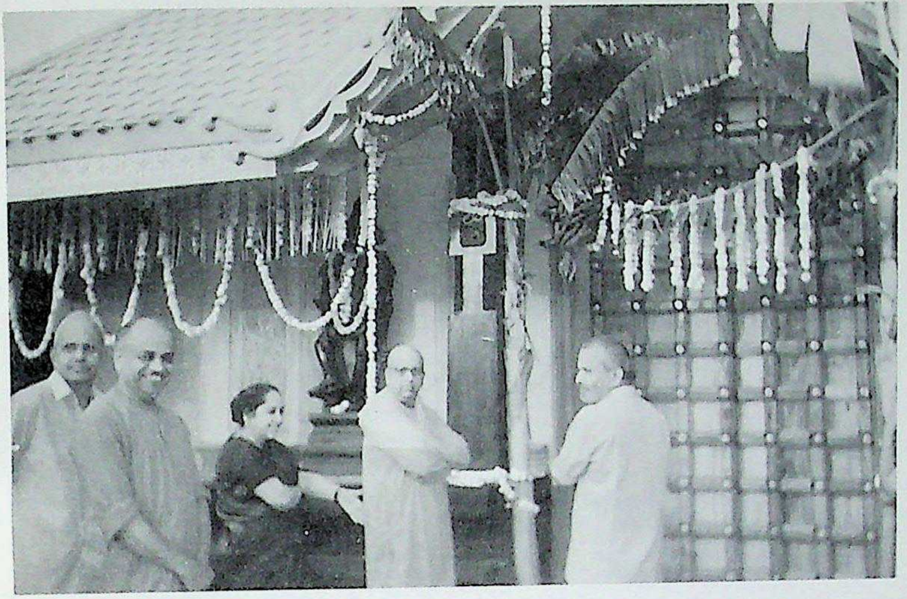


Sringeri Shankaracharya (previous)

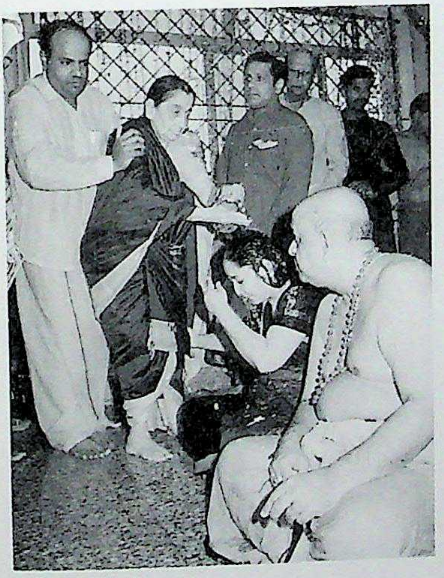
Kanchi Paramacharya (late)



Sai Baba of Puttaparthi

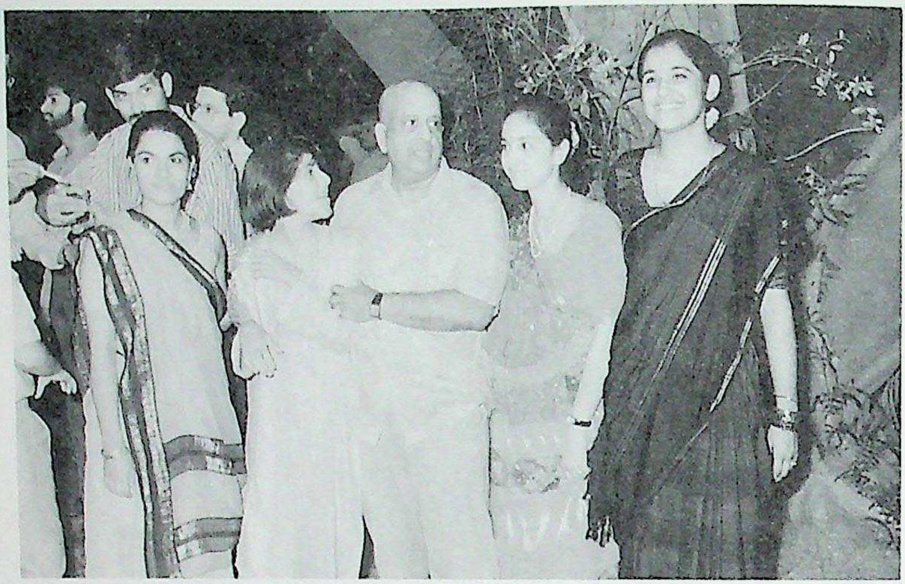


Opening Uttara Guruvayur
temple in Delhi



Shashtiabdapoorti
ceremony

Shashtiabdapoorty
ceremony



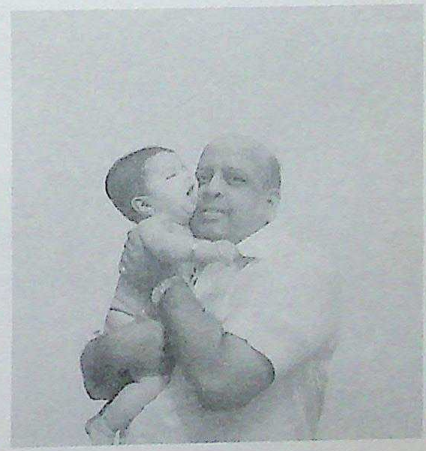
Marriage of
Subramanian
Swamy's daughter

A pose for a snap

Light, more light.
Diwali, 1987

Down memory lane

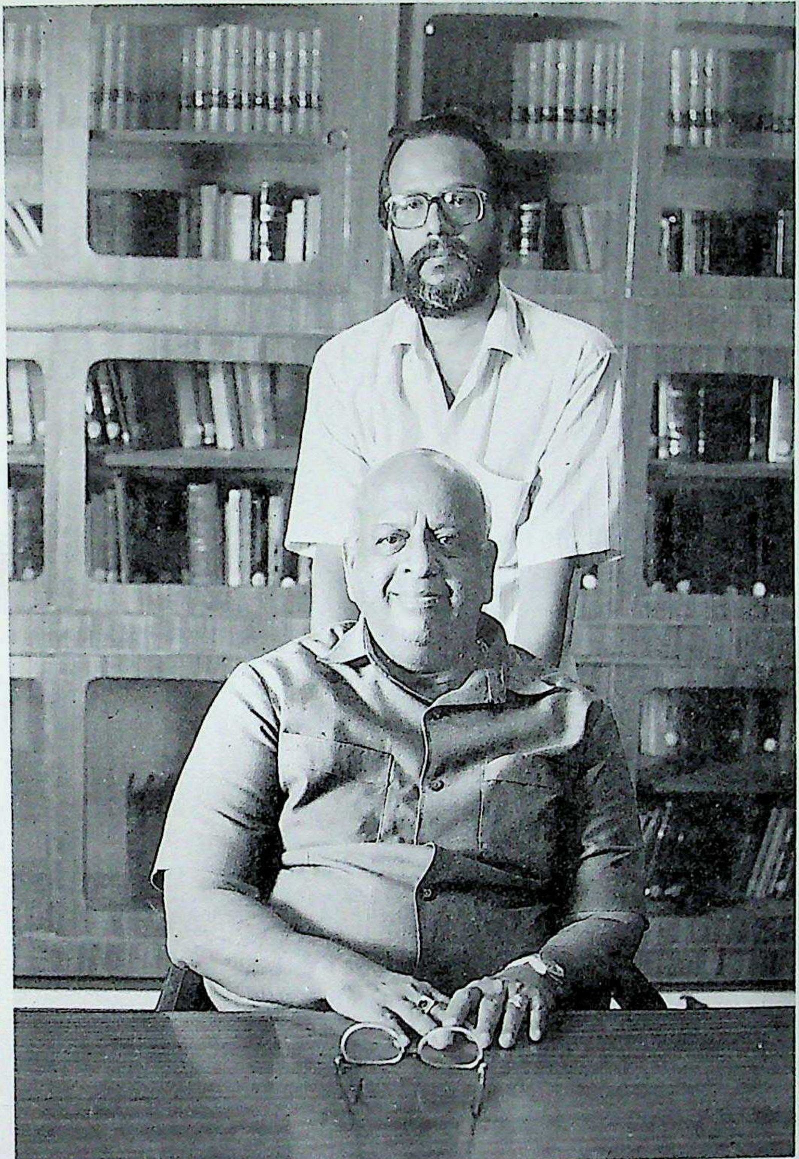
Memory of an event



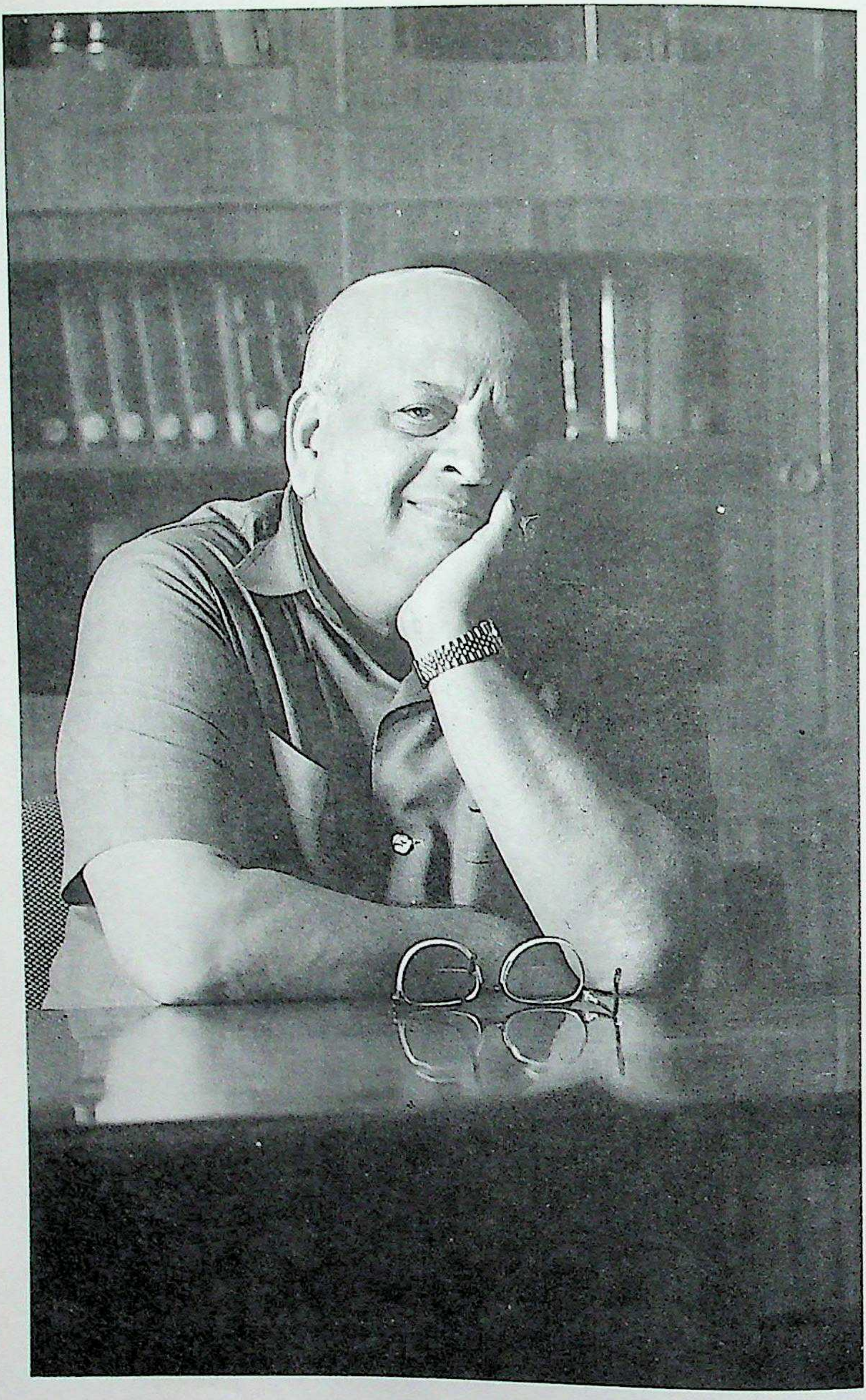
A silent lullaby

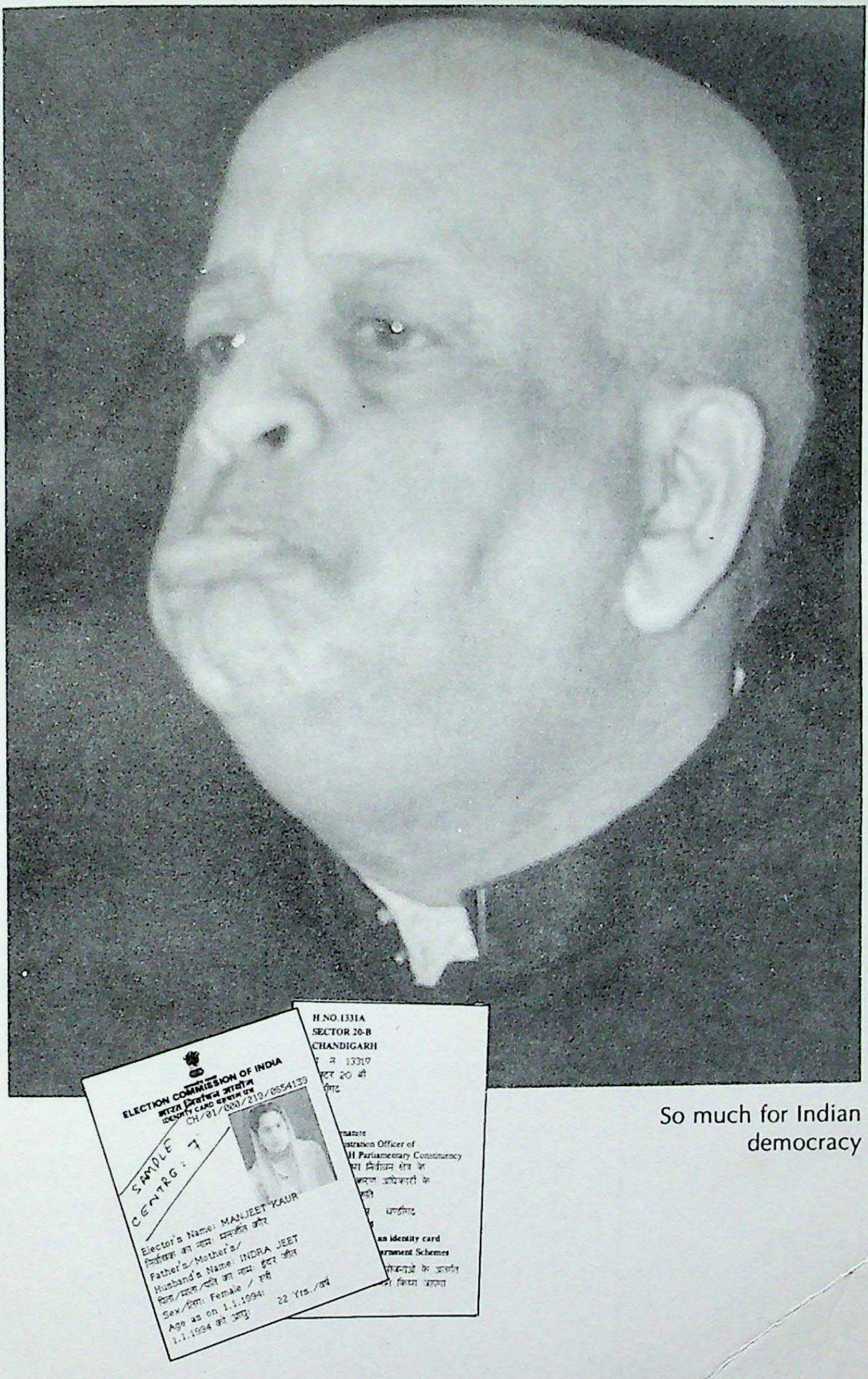
A convocation address,
Madras Christian
College, 1991

Seshan 'Patel', Ahmedabad, 1987



Seshan and the author





ELECTION COMMISSION OF INDIA
भारत निर्वाचन आयोग
IDENTITY CARD पहचान पत्र
CH/01/000/219/0654139

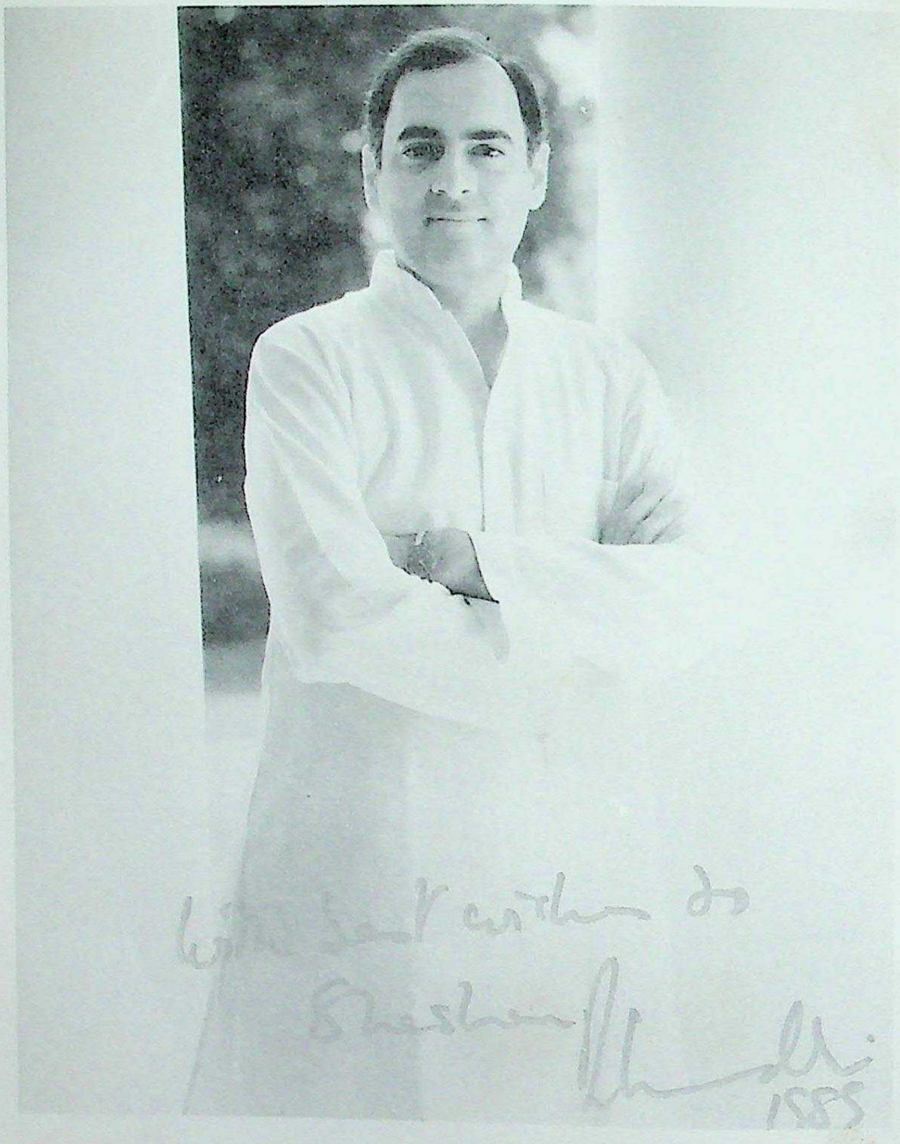
SAMPLE
CENTRG: 7

Elector's Name: MANJEET KAUR
निर्वाचक का नाम: मनजीत कौर
Father's/Mother's/
Husband's Name: INDRA JEET
पिता/माता/पति का नाम: इंदर जीत
Sex/लिंग: Female / स्त्री
Age as on 1.1.1994: 22 Yrs./वर्ष
1.1.1994 को आयु:

H.NO.1331A
SECTOR 20-B
CHANDIGARH

nature
stration Officer of
H Parliamentary Constituency
चंडीगढ़
an identity card
ernment Schemes

So much for Indian
democracy



With best wishes to
Shashi
1985

13

A Brush with BJP

We have faith in the nation but not in Seshan: Those words, marked by a flair for precision as well as oxymoron, were spoken in early 1991 by a person who has now some faith in Seshan. L K Advani, BJP leader, was one of his worst critics when Seshan entered Nirvachan Sadan. More than being a critic, Advani was suspicious. Most BJP leaders had concluded that the new Chief Election Commissioner, who portrayed himself as an "umpire", was really out to play the Congress game when elections looked on the cards in early 1991.

Many saw BJP as the party of the future. Not merely its self- confident activists, who mistook its lengthening evening shadow for the object, but also many who dreaded BJP's emergence assumed that it was the party of the future. The fond hopes of its advocates and the morbid fears of its antagonists were the stuff of which that whispering campaign was made, giving BJP the trappings of a party on the threshold of power in New Delhi.

The stupendous growth of its parliamentary strength between 1984 and 1989 had boosted BJP leaders' confidence. From a contingent of two members in 1984, it had grown so strong as to be able to prop up a non-Congress government in 1989, though without, perforce, being a partner in power. Just as it could make a government possible, it could unmake it too a year later. It brought V P Singh down when he stopped Advani's rath yatra from Somnath to Ayodhya which had generated an apparent surge of mass enthusiasm in northern India.

It was in that fit of enthusiasm many saw BJP as the party of the future. Mediamen perceived what they called a "BJP wave". Cliche- ridden commentaries and purblind projections of all Hindus as BJP's natural family members made others panicky. Congressmen who had made a mess of a great mandate earned in 1984 seriously believed that theirs was a party of the past. It was out of that mood of desperation that Arjun Singh came up with a plan to see if BJP can be pushed out of the political arena even before the battle began.

One way was to knock the bottom out of its political platform. That seemed an impossibility. For, many Congress leaders themselves believed that politico-religious credo had considerable mass appeal. Which was presumably one reason why Arjun Singh sought to introduce a legal issue in politics and thus incapacitate BJP. His effort was to have BJP deregistered/derecognised and its symbol, lotus, frozen by the Election Commission.

Whether that effort yielded ultimate results or not, it was intended to give considerable campaign mileage to the Congress. It did not appear that Arjun Singh seriously believed that a party with BJP's following in the country could be kept out of the political system through a legal fiat. But that move suddenly acquired unusual importance; BJP leaders were perplexed and apprehensive even when they constantly indulged in brave talk. That Seshan did not throw out that petition, even without looking at it, was what sent BJP leaders flying into tantrums. This was all, they feared, an orchestrated drama with Seshan as a crucial actor.

Arjun Singh's petition was lying in the Chief Election Commissioner's shelf when Seshan entered. Peri Sastry had not found time to consider it. When Seshan took it up for consideration in December 1990, one month after his assumption of office, alarm bells went out. Why was he taking it up then? What if he allowed Arjun Singh's prayer? An anxious BJP leadership, pathologically suspicious, screamed that a political conspiracy against it was well under way. It even questioned the Election Commission's power to consider the petition.

The petition involved a broader and eternal question of the legality of mixing religion in politics. It is still raging. The crux of Arjun Singh's case was that BJP had misused its reserved symbol, lotus, during Advani's rath yatra. By undertaking that yatra, BJP indulged in religious activity and violated the principles of secularism to which it had shown commitment under section 29A(5) of the Representation of the People Act while seeking registration as a political party. By using its symbol, lotus, for that yatra, BJP had, it was argued, invested it with religious sanctity. The prayer therefore was that BJP should be deregistered and lotus frozen as an election symbol.

Seshan had not even considered the petition when BJP leaders went berserk. When their plea that Arjun Singh had no locus standi to prefer the petition was rejected, hell broke loose. The petition had not even been heard but its very consideration was repugnant to BJP leaders. Their fear was that Seshan might well allow the petition and they would all be out of the electoral fray. That Seshan often liked to introduce an element of suspense in his style had not occurred to them.

Seshan's order upholding the right of Arjun Singh to come up with such a petition was given on April 12, 1991 when election preparations were in full swing. It was a crisp, comparatively short, order in eight pages. When it came, BJP leaders were resentful. Congressmen were, conversely, elated. Both had no reason to feel what they did. Seshan was playing ball with none. He was merely asserting the authority of the Election Commission. His concern was with the power of the Commission.

Seshan knows no more law than what he was taught during his IAS training. But he read enough and held elaborate discussions to give his order all trappings of a legal document, not leaving out law's exclusive jargon. The order said: "Even if there is no express provision in the law conferring locus standi on third parties to be heard in the matters relating to registration, deregistration, recognition or derecognition of political parties, the Commission, in the absence of a specific prohibition in the law, can hear them if they have something relevant and worthwhile to say, which would enable the Commission to discharge its sacred responsibility of conducting elections in a free and fair manner and advance that object."

The Supreme Court had held in 1978 that Article 324 of the Constitution is a "reservoir of power" for the Commission and it can act in its own right in a contingency where the law enacted by Parliament is silent. Seshan fortified his order with the Supreme Court's words: "Where these provisions in the enacted law are absent and yet a situation has to be tackled, the Chief Election Commissioner has not to fold his hands and pray to god for divine inspiration to enable him to exercise his functions and to perform his duties or to look to any external authority for the grant of powers to deal with the situation."

If that preliminary order was an order outlining what the Election Commission could do, Seshan's final order was one which stated what it could not. The final order of February 19, 1992, running into 63 pages and replete with quotations and elucidations, left everyone surprised. BJP leaders, who were busy refreshing their lessons in law and gearing up to go to the Supreme Court, found all their labours wasted. It was Arjun Singh who had to move the Supreme Court. Congressmen who were exultant realised that Seshan was not available to play ball. It took some more time for everyone to learn that Seshan could play very rough.

Though Seshan's final order was one which outlined the restrictions of the Election Commission's powers, as distinguished from the assertions in his preliminary order of April 1991, there was no real contradiction between the two. The preliminary order merely concerned the question whether the Commission had the power to consider that petition. The final order stated how it did not have the power to grant the petitioner's prayer.

The final order, in fact, highlighted an inadequacy of the Representation of the People Act, perhaps consciously introduced by Parliament. It also exposed the pointlessness of an effort, like Arjun Singh's, to find purely legal remedies for questions of politics. The purpose of his petition was, after all, to achieve through hairsplitting interpretations of law what could not be achieved through political campaign.

Section 29A of the Representation of the People Act provides for registration of political parties but not for deregistration. Traditional legal wisdom is that if the Commission has the power to register, it also has implicit power to deregister. BJP's counsel, Arun Jaitley, took the extreme position that the Commission had no power to deregister any party in any situation. When he was asked whether the Commission could not deregister a party even when that party dissolved itself and requested deregistration, Jaitley amended his argument. The Election Commission could deregister a party in such circumstances but not on the basis of a complaint that a party had ceased to function in accordance with the provisions of Section 29A.

Seshan largely agreed with Jaitley. His order was: "A party duly registered under the said section 29A cannot be deregistered by the Commission on the allegation that after registration it has ceased to function in accordance with the provisions of section 29A(5) where an enquiry may be called for on the part of the Commission to ascertain the truth or otherwise of such allegation, as the power to deregister on this ground has been deliberately, intentionally and consciously not conferred by Parliament on the Commission."

Not only did he come to the conclusion that the Commission does not have the power to deregister a party for violating the provisions of that section but also felt that such power should not be given to it. He would like it to be wielded by Parliament or the high courts. If there is a trend of self-denial in this position, it is again part of an effort to entrench the Election Commission's power and status. If such power as he has sought to deny himself is vested in him, he argued, it would only debilitate the Commission.

This point was spelt out in the order. "Vesting the Commission with the aforesaid power would have meant necessarily a constant monitoring by it of the political activities and programmes and ideologies of political parties. In a matter of dispute, the Commission would have been again necessarily required to adjudicate upon such ideologies, policies and programmes of political parties. In the ultimate analysis, the result would be that the ideology of the Commission would inform the ideology of a political party/parties and it would mean substitution of the Commission's ideology for that of the party concerned as any disagreement between the two may result in the deregistration of the party by the Commission. The Commission cannot enter into such a political thicket."

This order, when it came in February 1992, evidently pleased BJP leaders. That was some solace after the so-called BJP wave proved to be somewhat of a northern wind in the staggered general elections in 1991. Its parliamentary contingent grew in strength but it also realised that power in New Delhi was still far out of its grasp. Seshan's final order on Arjun Singh's petition was a relieving document in that moment of self-realisation for BJP.

Congressmen who were excited by his preliminary order and enthused by their flawed victory in the general elections in 1991 were incensed when the final order, bailing BJP out, came. To them, it was unwelcome anti-climax. Arjun Singh challenged that order in the Supreme Court. The verdict was one word: dismissed. More laws had to be made, they realised, to incapacitate BJP and have it deregistered.

It was not BJP leaders alone who were seething with anger and suspicion when the Election Commission's final order on Arjun Singh's petition was in an embryonic state, Seshan elaborately going through questions of law and politics since April 1991. There were others who had also reason to be angry in those days. One was Ramakrishna Hegde who was the Deputy Chairman of the Planning Commission when Seshan was serving his sentence as a Member.

On July 24, 1991, Seshan recommended disqualification of Hegde as an MLA in Karnataka with effect from the day he became the Deputy Chairman of the Planning Commission. Hegde had tried hard to project an image of political rectitude. That was what was being shattered for the second time, the first time being the expose of an official land deal with a builder when Hegde was Karnataka's Chief Minister. That was mainly by courtesy of Seshan's old teacher, Subramanian Swamy. The Janata Dal's firmament was all aflame when its glamour star was turning dark. Seshan was in the political dock.

Like Arjun Singh's petition, this case against Hegde was also a legacy left behind by Peri Sastry. It had arisen soon after Hegde's election from Basavangudi, an assembly constituency in Bangalore, and subsequent appointment as the Deputy Chairman of the Planning Commission. When most opposition parties, not excluding BJP and the communist parties which remained at loggerheads, were basking in the glory of victory, celebrating it as the triumph of probity over Rajiv Gandhi's politics in December 1989, one lawyer-legislator in Bangalore was drafting a petition to embarrass a glamorous Hegde. A K Subbaiah was that kill-joy.

Subbaiah is a crusader against corruption. He has assigned that mission to himself. In the course of his crusade, he can displease his own partymen. Discipline of no party can tie him down. Which is why he has moved from party to party over the years, disgusted with each one's inadequacy. Hegde had just become the Deputy Chairman of the Planning Commission when Subbaiah got busy, employing his legal skills to see if the ebullient Janata Dal leader could be forced out of the assembly to which he had been elected against heavy odds. The petition seeking Hegde's disqualification went to the Governor of Karnataka on December 30, 1989.

For one reason or another, Subbaiah's petition got enmeshed in procedural delay. It had been promptly forwarded from Raj Bhawan in Bangalore to Nirvachan Sadan in New Delhi for the Chief Election Commissioner's opinion which is binding on the Governor under Article 192 of the Constitution. The delay was oppressive and Subbaiah took the matter to the high court in August 1990 with a prayer for an early hearing. What the court did was something different.

It knocked the bottom out of his case, pointing out that there was no longer any ground for disqualification since Hegde had already given up the deputy chairmanship of the Planning Commission. However, the high court corrected itself when the Election Commission put in an appearance in an appeal. This was the stage when Seshan entered the scene. And things began moving fast, much to Hegde's chagrin.

Was Hegde liable to disqualification as an MLA since he held an office of profit under the Government of India? That was the question before Seshan. He took two weeks to decide. The first hearing was held on July 10, 1991. On July 24, Seshan gave his order.

Deputy chairmanship is an office of profit under the Government of India alright but Hegde was only holding the office, not earning its "profit". He was taking no salary. Travelling allowance, chauffeur-driven car, free furnished accommodation: that was all he took. Hegde knew that it was an office of profit. He had foreseen that someone like Subbaiah might rake it up later.

Another person had also foreseen such a possibility. When Hegde's appointment as the Deputy Chairman was being finalised, that apparent anomaly in an MLA holding an office of profit under the Government of India had been pointed out by the Cabinet Secretary. Not very elaborately but in a conversation with P B Krishnaswamy, the Planning Commission Secretary. The Cabinet Secretary and the Planning Commission Secretary assumed that some way might have been found to regularise the anomaly.

The Cabinet Secretary was Seshan.

When he sat in judgment over the dispute as the Chief Election Commissioner, his mind was clear. It did not matter whether Hegde had drawn the "profit" from his office. What was important was whether he could have rightfully drawn it. Entitlement is what really matters. A definite salary is attached to the office which Hegde was voluntarily giving up. That was the line of argument pursued by Roxana Swamy, Subramanian Swamy's wife, who appeared for Subbaiah. Seshan found merit in that thesis.

His order read: "What is to be seen for determining whether an office is an office of profit is whether such office is capable of profit being derived and not whether a person is actually deriving that benefit or not. It cannot be gainsaid that the office of the Deputy Chairman of the Planning Commission is capable of "profit" being derived as a definite salary is attached to that office. The fact that the opposite party(Hegde) did not draw any salary does not materially alter the status of that office being office of profit."

As CEC saw it, Hegde was to be disqualified under Article 191(1)(a) of the Constitution. So he recommended to the Governor of Karnataka. Before the Governor acted, Hegde did. He challenged the Election Commission's order in the high court. The high court differed with the Election Commission. Subbaiah's appeal in the division bench in Bangalore also failed. The matter was not, perhaps, seriously pursued in the Supreme Court.

That was one of Seshan's major decisions to be set aside by the high court. How it happened is beside the point. The situation arising out of that court judgment is more significant. It should now be possible to circumvent the provisions relating to the "office of profit". Give up the profit and hold the office: that is a safe prescription for those legislators who are lucky to be favoured by New Delhi with a post which necessarily involves a salary.

Besides that odd situation, Subbaiah's case had another concomitant result. Seshan incurred Hegde's ire. And all his partymen's. Seshan enjoyed it. He enjoyed it doubly when some of them turned friends, some others less hostile.

There was another plea for disqualification which took a different turn before it came to him. It had come as part of Subramanian Swamy's campaign against Jayalalitha, Tamil Nadu Chief Minister. Swamy who had been winning elections from the north of India suddenly decided to go back to his homeland in search of his political roots. There were none. Roots had to be created.

After Hegde, he took on Jayalalitha. He set up an organisation with an avowed intention: Cleanse Tamil Nadu. There were allegations that Jayalalitha had given favours to a printing firm with which she had connections even when she was the Chief Minister. Swamy's movement against her was carried on with a consistency and virulence rarely seen in person, especially when his party is nothing more than an amoebic outfit.

The petition seeking her disqualification made life uncomfortable for Governor Bhishm Narain Singh. It took time for him to decide. Swamy made an issue of that too. He insisted that the Governor was bound to forward the petition for the Chief Election Commissioner's opinion once he received it. Bhishm Narain Singh was finding it quite hot.

Given Swamy's association with Seshan and Seshan's image, Jayalalitha was able to create an impression in some quarters that it was a premeditated plan to oust her from office. She made Swamy's campaign look stilted. Her relations being sour with Prime Minister Narasimha Rao those days, she also suspected that Swamy was gunning for her with Rao's blessings. When she took up the matter in the Madras High Court, questioning Seshan's right to sit in judgment over the petition seeking her disqualification filed by a friend of his and argued by Swamy's wife, Jayalalitha knew victory would be hers.

The court stayed the case. The Election Commission found that powers vested in it by law were being denied to it. The petition against Jayalalitha could not even be considered. As suspicion grew in her mind that Seshan was prejudiced, her prejudices against him also strengthened. Strangely, their relations improved later. It was possible for them to have mutual discussions in happy settings. When that happened, one person was becoming sore: Swamy.

Much later, Seshan's brush with Mulayam Singh Yadav, Uttar Pradesh Chief Minister, was also to have a happy twist. Mulayam Singh had his party engaged in some crucial assembly byelections in early 1994 when Seshan struck. He called a halt to the election process when Mulayam Singh was found misusing an aeroplane owned by a body of the government.

It was a blow to the Chief Minister who was used to having his way in every situation. He went to the Supreme Court and got Seshan's orders knocked out. The grounds were technical but the Election Commission's position was rejected by the court all the same. That was another important case Seshan lost.

Several weeks later, Mulayam Singh rang up Seshan. He wanted to see him. There was no trace of ill-will. Mulayam Singh was arriving to hold out a hand of support. Such support was welcome, no matter where it came from, when the government was preparing plans to neutralise the Election Commission.

14

Wages of Postponement

Death is familiar. But it inspires strange and dissimilar feelings in people. When Rajiv Gandhi died, most people in his trade did not feel quite like Sonia Gandhi did. A dark emptiness was suddenly filling her soul on that night of May 21, 1991. Others were, after an initial sense of shock, calculating what Rajiv Gandhi's death would mean to their politics. Who might gain, politically, and who might lose, were supreme considerations. Seshan's consideration was how to run or not run elections, no matter who gained or lost.

He was one of the earliest to be told about what had happened in Sriperumbudur. When someone who knew rang up from Madras, Seshan was not ready to believe that his dark premonitions would ever come true. They did. In the early minutes of slumber, that long distance call had a ring of unreality. The message was so true that it was apt to be disbelieved.

Jayalakshmi lost a breath. She asked several things at a time, incoherently. There was no time for her ceaseless flow of questions. Seshan, who usually has an answer to every question, found himself wanting that night. He remembered Rajiv Gandhi's words: "I will not die twice." And then he remembered his own instant remarks: "That is not your prerogative alone." Was he being edgy, arrogant?

The past fused into the present and the future. Memories mingled with fears. Muttering something to himself, cursing himself for not having been able to persuade Rajiv Gandhi to drop his travel plan that week, Seshan lifted his body out of the bed and got busy with phones which he had turned into somewhat of an adult's unbreakable toys. One or two calls were enough.

Mentally, he broke down the puzzle he had by then heard from informed sources in Delhi too. Its components, as Seshan saw, were four: Rajiv was dead. It was a blast. The killer was dead too. The killer was a woman clad in salwar and kameez. That allowed some instant inferences—which were wrong.

Once he saw the blasted face of truth, Seshan's mind turned to a professional question while others mentally debated what could be in store for them. The second round of polling in the Lok Sabha elections was to begin within less than 48 hours from then. There was no question of holding it as planned. It did not take a moment's thought to reach that conclusion. But how soon it could be held, how long it should be postponed, was a question that vexed Seshan. An answer, a collective answer, was to dawn on him hours later when he sat talking to himself in the room of the President's ADC in Rashtrapati Bhawan.

"Shall we tell the President?" Seshan had asked P Murari, the President's Secretary, over phone. The President is a prisoner of protocol. It was Murari's job to see that he remained so. No useful information was to be conveyed to him except through the august channel of the government. Prime Minister Chandra Shekhar was away in Orissa, electioneering. The President could not be bothered at that odd hour with rumours which were bloodier than truth.

Even after that conversation on protocol, Seshan was restless. The occasion was so violent as to permit no niceties of protocol. The President had to be told, officially or unofficially. Seshan rang up Venkataraman's personal assistant to find out whether it would be possible to reach him at that hour. The assistant knew Seshan and knew also that he had a relationship with Venkataraman that was more than official. When he broke the news to Venkataraman, the reaction was absolute silence, perhaps stillness.

Seshan was summoned to Rashtrapati Bhawan a little later. Murari also arrived. And then Cabinet Secretary Naresh Chandra and Home Secretary Raj Bhargava and others. Orders were relayed for strengthening security measures in every sensitive spot. They were piecing together all that they had heard when Sonia Gandhi's message came, R K Dhawan phoning up to say that she wanted go to Madras with her daughter, Priyanka. The son, Rahul, was away in America.

Venkataraman was perplexed. "How could she go? Would it be safe?" Seshan took the view that she had an inviolable right. No one could prevent her if she decided to go. The President saw the point. And then Seshan took it upon himself to suggest the nitty- gritty of arranging a special aircraft and security for the widow and the daughter. There was no time to wait for the Prime Minister to return from Orissa.

Chandra Shekhar drove from the airport straight to Rashtrapati Bhawan. Subramanian Swamy and senior officers also trooped in along with the Prime Minister. Swamy had a grouse which he voiced a day or two later. He was the seniormost minister and he was available in New Delhi but no one cared to brief him properly at any stage. What impertinence! Was he not the one whom Rajiv Gandhi had once thought of making India's Prime Minister?

As Shekhar and Swamy were closeted with Venkataraman, Seshan was perched on a chair in the room of the President's ADC, working out the possible dates for the next round of polling, if it was to be put off beyond May 23. That it had to be put off was beyond question. How long was what had to be decided. The Chief Election Commissioner favoured adequately long postponement to enable security personnel to move from one area to another in sufficient strength.

The decision was to reschedule the polls fixed for May 23 on June 12 and those fixed for May 26 on June 15. Ram Mohan Rao, Principal Information Officer, who was around and many others felt the Chief Election Commissioner should appear on Doordarshan to announce the decision and reassure a mortified nation. That decision threw Seshan into the vortex of a virulent controversy, perhaps the first after he became the Chief Election Commissioner.

It appeared almost every political party, barring Chandra Shekhar's, was upset by the postponement of the polls for so long. Each one was upset for different reasons. How Rajiv Gandhi's assassination would affect the outcome of the polls which were still due was everybody's consideration. When acrimony over it was building up and Seshan was being put in the dock for that decision, Rajiv Gandhi's body was still lying in state in Teen Murti Bhawan.

The decision was, in a sense, collective. Cabinet Secretary Naresh Chandra was one person who felt the postponement should be as short as possible. His reasons were purely administrative. If it took long for a new Lok Sabha to be constituted and a new government installed, there would be serious financial problems, particularly relating to repayment of foreign debts. Prime Minister Chandra Shekhar favoured long postponement. So did most others. But Seshan was to face the storm.

The storm took a vicious turn on a June night when Seshan appeared on Doordarshan to explain the background of the decision to postpone the polls to the second week of June. There were three journalists "grilling" Seshan, Prabhu Chawla of Indian Express being one of them. Chawla's persistent questions about the consultations or lack of them that went on before the decision yielded an answer that upset even Prime Minister Chandra Shekhar. Chawla's question was why the government of the day was not consulted when the Chief Election Commissioner took the decision to put off the polls.

Seshan chose his words carefully, even as he was annoyed. He said the decision on the new poll dates had been "dictated by the views" of the government. That word, "dictate", usually associated with tyrants and stenographers, was tricky, more so when Seshan's words were half-heard. His cleverly articulated explanation was mistaken for a disclosure that it was the government which had "dictated" the dates to the Election Commission.

When the next morning's newspapers splashed across their front pages the government's "diktat" to the Election Commission, Shekhar was outraged or feigned to be so. Whether he enjoyed being portrayed as so powerful, whether he wholeheartedly favoured such a long postponement of the polls, Shekhar was not happy to be seen as the head of a government which dictated that decision. The dichotomy between private desires and public postures had not begun with Chandra Shekhar.

Without so much as verifying with Seshan, the government came out with an official denial of the Chief Election Commissioner's statement. Its response was based on newspaper reports which were themselves based on half-heard words of Seshan. The response could well have been an explanation of the background in which the polls were put off and why such a long interval was favoured in view of security considerations. But the government was keen not to be seen having had anything to do with it. It liked to give all credit and discredit for that decision to Seshan.

The fact was that Shekhar had himself suggested to Seshan that a long postponement would be in order. That was his desire. So it was of almost everyone who had assembled in Rashtrapati Bhawan on the night of May 21. Venkataraman has recorded it in his "My Presidential Years": "Everyone present concurred with this decision. The general feeling at the all-night meeting was one of grave apprehension of violence breaking out throughout the country once the news spread...The mood of almost all those present at the all-night meeting at Rashtrapati Bhawan had been for a sufficiently long postponement of the second and third round of polls. The logistics of deployment of security personnel in sensitive areas figured in the discussions and the dates were agreed upon by consensus..."

The views on the postponement of the polls were dictated by cold calculation of political prospects. The tragedy of politics was that Rajiv Gandhi's death had ceased to be seen as a tragedy; it became a development that could possibly be manipulated for electoral gains. Sonia Gandhi alone, perhaps some of her friends too, suffered a personal loss which had no political inflexion. It was also the tragedy of politics that few parties felt sure of themselves.

Rajiv Gandhi, dead or alive, was a useful person. How to put his memory to political use was everyone's concern. The initial shock and appropriate condolences over, everyone began assessing the political pros and cons of such a long postponement. Since no one had a firm clue to the mind of the masses, everyone viewed its possible impact on the outcome of the deferred polls according to his warped political imagination.

Death had come to play a national role in elections in India after Indira Gandhi's assassination. It used to have till then a limited local role. The death of a political person had been exploited earlier also to influence voters' minds. Martyrs often serve their surviving friends and followers best by providing a powerful campaign point. Mahatma Gandhi's murder is still used occasionally from election platforms, so long after the event. But it was Indira Gandhi's death that added a new word to India's election lexicon: sympathy wave.

It was the memory of that massive sympathy wave that gripped politicians' minds when they reacted to Seshan's action after Rajiv Gandhi's assassination. Would there be a sympathy wave now? How long would it last? Who can do what to get the best out of it? What should be done to dissipate that wave? Such were the dissimilar thoughts death inspired at different levels. Death is not exactly a leveller.

The opposition's apprehension was that a sympathy wave would build up in favour of the Congress if the postponed polls were held early. The Congress's fear, conversely, was that the sympathy wave would dissipate before the polls deferred so long. Much as he wanted the polls postponed as long as possible, Chandra Shekhar felt that it would be impolitic to be associated with a decision taken in accordance with his desire. Seshan was a suitable whipping boy in the circumstances. To their consternation, Seshan remained unaffected by all that ballyhoo. He was firm. Some suspected that he enjoyed his image as the veritable villain.

The posturings of those days were amusing. Janata Dal leaders had sought an appointment with the Chief Election Commissioner to present to him a formal letter of protest. They had already gone through the ritual of meeting the President. Seshan relished the idea of having an encounter with those who portrayed him as a Congress agent, anxious to help it out of its political exile by duly putting off the polls to let the sympathy wave build up fully. An expectant CEC waited in his room, tea and snacks ready for the enraged guests. Biju Patnaik was the first to arrive. And the last.

As Patnaik sipped tea, chatting with Seshan on myriad subjects, several minutes ticked by. Patnaik's colleagues had apparently lost their way. Not one of them turned up. Finally, when he felt he was merely wasting Seshan's time, Patnaik stormed out of his room, muttering more than permissible obscenities about his elusive colleagues. Seshan began to feel that their feeling of hurt and anger was all a show, a mere posturing as victims of injustice for whom voters should have sympathy. His impression was confirmed when L K Advani who had also sought an appointment dropped his party's plan for protest.

Congress leaders were more serious. And more diffident. Sharad Pawar, Maharashtra Chief Minister, lamented that it would cost enormous money to keep alive the campaign of his candidates for another three weeks. So did others in their own characteristic styles. Some of them, Pawar, Janardhana Reddy of Andhra Pradesh and K Karunakaran of Kerala, led a deputation to Seshan in a bid to persuade him to advance the poll dates fixed for the second week of June. After all, it was argued, there was no serious disruption of law and order as apprehended soon after Rajiv Gandhi's assassination.

Karunakaran had talked about it with President Venkataraman before he met Seshan. At the end of their formal meeting, when others left, Karunakaran broke into Malayalam. He referred to his discussions with Venkataraman and the suggestion that the matter be taken up with the Chief Election Commissioner directly. Seshan was happy to have a little chat in Malayalam which never creeps into his speech when the discussion is purely official. Beyond that feeling of happiness, he was indifferent to Karunakaran's plea. The meeting ended with a polite reply from Seshan that he would certainly give a thought to the proposal Karunakaran made.

There was no such thought. Seshan had no intention of changing the dates again, no matter who gained or lost. Another change of date, advancement in particular, would have left him open to the criticism that he was fixing dates without due consideration. The second and third rounds of polls were held on dates as decided earlier.

Those dates were still far away when Subramanian Swamy descended on Seshan one day. The campaign was in full swing again. Swamy did not have to bother about his own election. He was a member of the Rajya Sabha. He was in Seshan's house that day to discuss nothing in particular. When he left, he struck a particular note of warning to Seshan. If Seshan's fears and suspicions were true, he would do well to remember that he could also be logically in danger if he voiced those suspicions publicly.

Even before Rajiv Gandhi's body was cremated, suspicions about the motives behind his assassination were rife in political and police circles. The LTTE connexion was soon established. But was the Sri Lankan group the sole and actual killer? Or was it only an instrumentality? Could it be that some others were using it as a paw to do away with Rajiv Gandhi? How deep and pervasive was that conspiracy? These are questions to which answers are still being sought by a judicial commission.

These are questions which began to be heard those days. Seshan never dismissed them outright. He was once Rajiv Gandhi's Security Secretary. He had reason to suspect that foreign agencies could also be involved in the assassination. When he mentioned it to Swamy in good faith, his old teacher was possessed by anger. What he blurted out as he slammed the doors behind him sounded like a warning to Seshan.

Seshan never went to see Rajiv Gandhi lying in state. Nor for the cremation. He would have perhaps liked to have a last look at the face of the man whose life he was once sworn to protect. The face was possibly not there. All went away looking at the photo kept on top of the casket. It was never opened. Those who killed Rajiv Gandhi had done a thorough job. Seshan recalled it all, relating it to the bits and pieces of information he had acquired, when he called on Prime Minister Chandra Shekhar. Shekhar was stunned by Seshan's suspicions.

A day later Swamy was back. He renewed his warning to Seshan and drove away. Swamy's old student was left with a hundred questions slithering through his mind in search of an answer.

Those questions had weighed down Seshan when he went to Punjab in the second week of June. Elections in Punjab had been fixed for June 22, about a week after the Tenth Lok Sabha was to be constituted. Punjab was passing through a bloody spell even when elections were first notified. The Election Commission was right from the beginning against having polls in Jammu and Kashmir, Assam and Punjab along with the rest of the country. But Prime Minister Chandra Shekhar was determined to give Punjab's people their say in the general elections, no matter how disrupted law and order was. His prescription for violence was a dose of democracy such as it was.

Seshan's sentiments were shared by Venkataraman when the proposal to hold elections in Punjab came up. Venkataraman says: "It may be recalled that when the Chandra Shekhar government wanted to hold elections in Punjab and Assam with the rest of the country, I had requested reconsideration of the decision as I was convinced that in the face of reckless killings by the militants in Punjab, no free election was possible. On the reaffirmation of the decision by the Cabinet I adhered to Article 74 of the Constitution and issued the orders."

The unabated killings provided a bloody backdrop to Seshan's separate meetings with the Governor and senior officers in Chandigarh. Democracy's face was red. Police had taken several candidates into protective custody. Many had been killed. Passengers from a train had been dragged out, shot dead and laid out on the railway platform for election-minded people to see. Voters had been told that they might lose their fingers which bore the election ink.

Police officers told Seshan that election as scheduled would be a grave risk. Everyone of the 39 officers whom he had posted as observers in Punjab, three for each parliamentary constituency, concurred. Their words varied in tenor and emphasis. Someone said he would be a fool if he thought he could have free elections in Punjab in those sanguinary days. Someone else said it with less verbal extremity. No one felt that elections were a welcome festival. Not even Governor O P Malhotra.

Back to New Delhi, Seshan was a disturbed man. He wrote to his old friend and Home Secretary, Raj Bhargava, to point out that his assessment was that Punjab was hot and elections might prove bloody. "Do you think it is the government's view that the law and order situation in Punjab is good enough to hold elections?" Bhargava's reply to the question from Seshan was diversionary. The government, he said, had sent a few more CRP companies to Punjab. Seshan was at once amused and aghast. His mind was being made up. Government or no government, he had a decision to take.

Chandra Shekhar perhaps sensed what Seshan had on his mind. Governor Malhotra was summoned to New Delhi for a fresh assessment of the situation. Before he went for discussions, Malhotra rang up Seshan to seek an appointment. There was little change in Malhotra's earlier perception. After he met Shekhar and others, he told Seshan that there was nothing more for him to discuss. Seshan inferred that pressure had been brought to bear on the war veteran.

There was no party, barring Chandra Shekhar's outfit, the Janata Dal and the Akali factions, which favoured immediate elections. The Congress had even kept itself out of the fray. All this was leading Seshan to a decision that had by then become inescapable when something worse happened. The car in which Subodh Kant Sahay, Minister of State for Home, was travelling was exploded. He escaped but the message was clear. And the decision was made.

It is customary for the Election Commission to present to the President a beautifully laid out parchment listing the members whenever a new Lok Sabha is constituted. There was no such thing this time round. It was difficult even to get all names ready before the deadline fixed by the President. Seshan felt awkward when he submitted that hurriedly prepared list to Venkataraman. He felt even more awkward because he had something on his mind which he did not want to share with Venkataraman then.

That was June 20. As he was leaving Rashtrapati Bhawan, Seshan ran into P V Narasimha Rao who was going to take over the reins of administration the next day. There was a brief exchange in which Punjab figured. Seshan was in fact probing the mind of the man who was on his way to prime ministership. Rao merely said: "Seshan, you know the Congress's views." It ended there. Rao was sworn in on June 21.

That night Seshan postponed the Punjab elections to September 22. No sanctity was attached to that day. It happened to be three months away from the date on which Punjab was to go to the polls. Governor Malhotra resigned soon after that development. Seshan was again in the thick of a controversy. The charge was familiar: he was acting at the behest of the Congress, anxious to help it muster enough strength to become the majority party in the Lok Sabha.

The criticism came from the predictable source: Janata Dal leaders. One of them, R S Chib, a former minister of J&K where nothing much of his party is left, was a candidate in Gurdaspur from where he had hoped to make it to the Lok Sabha with Akali assistance. Chib was perhaps the first person to moot the extraordinary idea of impeachment. He told a news conference in Chandigarh that the "highly undemocratic and hasty step" of postponing the Punjab elections was a "fit enough case" for impeachment. Such a move was to come later.

A group of people who preferred to call themselves intellectuals, I K Gujral, Arjan Singh, S S Gill and J S Aurora among them, issued a soulful joint statement in New Delhi. They said: "The powers that be acted behind the back of the Governor, the state's Chief Electoral Officer and the people of Punjab who were all set to brave every threat and cast their votes. The lives of the 24 candidates and scores of others which have been sacrificed to uphold democracy in Punjab and India should not have been lost in vain."

When such brave words were being spoken from New Delhi's secure environs, Free Press Journal of June 25 which reported them had this as the last paragraph of its story: "Meanwhile, reports from Chandigarh said a militant and a mahant were among ten persons killed in Punjab since Sunday night."

Gujral was cross with Seshan long before the Punjab polls were postponed. Janata Dal leaders had declared jihad against Seshan even before the Lok Sabha polls were put off after the assassination of Rajiv Gandhi. As it happened, it was an order Seshan issued on the day of Rajiv Gandhi's death that set Janata Dal leaders against him.

The order concerned the capital of Bihar, India's premier vestige of political feudalism, where a glorious culture of rigged democracy has been evolved over the years. The order affected the fortunes of Janata Dal's I K Gujral who had for long had a niche in Indira Gandhi's charmed circle. Lastly, the order questioned the resourcefulness of Bihar's new backward messiah, Laloo Prasad Yadav.

Yadav had once told Seshan with what he hoped to be seen as absolute political confidence: "mujhe central police ki zaroorat nahin hai. main sab apne aap kar loonga." It was not that he did not need any Central police during elections. It was a nuisance to his own armada which arranged the victory of his chosen people.

The election in Patna where Gujral was a candidate was countermanded on May 21. Polling had been held on May 20. Seshan's decision which startled Janata Dal leaders and enraged Laloo Yadav was based on the reports of the Chief Electoral Officer, the Returning Officer and the observers. Seshan set out the reasons for his action in his order:

"There has been large scale incidence of electoral malpractice involving boothcapturing by seizure of polling stations, making polling authorities surrender the ballot papers, taking forcible possession of polling stations and prevention of free access to the voters for the purpose of voting, threatening electors and preventing them from going to the polling stations to cast their votes and therefore the polls in the aforesaid constituency have not been free or fair."

Gujral who hoped to ride back to Parliament on the crest of the wave of rigged democracy was none too pleased. The idea of impeachment should have sprouted in those days. The Election Commission was believed to be making things difficult for Janata Dal leaders, perhaps with vengeance. They harked back to Hegde's disqualification. The impeachment idea struck roots in later days when Seshan postponed or countermanded elections when it was obvious that blatant efforts had been made to manipulate the results.

The Communist Party of India(Marxist) which had thought that West Bengal and Tripura would be its impregnable fortresses was upset when Seshan's firmness looked like endangering its plans to recapture Tripura in early 1992. It had been snatched away from that party by the Congress under the able guidance of Santosh Mohan Deb who had learnt revolutionary techniques of rigging from his Marxist rivals.

When Marxist leaders found the going tough, they rose in revolt against Seshan with the familiar cry: democracy in danger. It was an irony that they won back Tripura because Seshan exposed Santosh Mohan Deb on the basis of complaints from CPM leader Dasrath Deb Burman. A still more amusing irony was that Burman, who became the Chief Minister, looked the other way when Seshan reminded him about the complaints he had made against some officials before the assembly election. Seshan had castigated Deb after an inquiry into those complaints. Burman had meant his complaints only to be an instrument to win power.

The National Front-Left Front axis set itself in motion against Seshan on March 4 when his early moves were feared to bludgeon Marxist dreams. They mobilised 122 MPs to sign a memorandum to Speaker Shivraj Patil declaring their plan to inaugurate the process of impeachment of Seshan. They knew that nothing would come of it but nothing would earn them better press publicity. BJP leaders had made it clear that they were not available for Janata games. The ruling party's support could never have been expected for such a drastic move against the Chief Election Commissioner at that point of time.

Yet some Leftist leaders, trained in dialectical dissertation, had hoped to exploit Narasimha Rao's political vulnerability. They went round deluding themselves that Rao would, as a quid pro quo for their support in a given context, find a way to remove Seshan from Nirvachan Sadan. Whatever Rao might or might not have said, Leftist leaders furiously advertised their dreams. Rao had to point out the constitutional hurdles before Seshan's detractors realised the futility of their exercise.

They renewed it in July. Not that anything was expected. There was only campaign mileage to score. It was a tribute to their political naivete that they were renewing their bid to impeach Seshan when even his detractors had begun to recognise the rationale and the salutary result of his actions. It was one such drastic action, once again relating to that playground of India's election mafia, Bihar, which set afire Janata passions. The action, which had no parallel in the annals of Indian elections, was to declare void biennial elections to the Rajya Sabha and the Legislative Council void held on June 25.

Seshan's order of July 1 was a four-page document that laid bare the absurdity of Indian elections and the venality of those who participated in them. There were reports that Laloo Yadav had himself snatched ballot papers from voters, who in that case, were legislators. That was the limit. Seshan sent a two-member team, consisting of Deputy Election Commissioner D S Bagga and Secretary S K Mendiratta, to probe the complaints. Their inquiry was conclusive. And Seshan recorded in his order thus:

"The orderly conduct of the poll was disturbed due to the unregulated flow of voters and the frequent entry of unauthorised persons into the polling station including the Chief Minister and the Leader of Opposition...The poll proceedings were frequently interrupted by melee and scuffles...The exercise of the electoral rights by at least two, if not more, voters was interfered with by the snatching of their ballot papers...The secrecy of vote was violated due to open voting, snatching of ballot papers and their forcible marking..."

This was all taking place in a Rajya Sabha election in which legislators are themselves the voters. The Times of India wrote on July 3: "...Mr Seshan really had no choice but to order a fresh poll after the inquiry team reported on the extent of mismanagement of the election. It was obvious that the cardinal principle of secrecy of the ballot was compromised when the returning officer failed to prevent the presence in the polling station of unauthorised persons...Mr Seshan has sent a much-needed message that our institutional safeguards have not yet become so enfeebled that we cannot conduct fairly even so limited a poll as for the Rajya Sabha."

When Seshan's action was being widely welcomed, with or without reservation, Janata Dal leaders and their communist co-travellers were lapsing into vituperative frenzy. Laloo Yadav was in his elements when he faced people and pressmen in Patna: "Mr Seshan has made a laughing stock of the entire election process. He is out to murder democracy."

If Seshan was out to do that, he has not yet been successful. But he has succeeded in making Laloo Yadav see reason. As also the futility of strong-arm tactics. When Yadav's candidate in a Lok Sabha byelection early this year lost, he was no longer furious. There was no cry of "murder of democracy." Yadav felt free to ring up Seshan after the result was known. His words were: "My candidate lost because of you. Yet I would like to congratulate you. Best wishes."

For a moment, Seshan was nonplussed. Was there a note of sarcasm in Laloo Yadav's message? No. Even in Yadav's Hindi, sarcasm would have struck Seshan.

15

Cry, the Beloved Country

July 21, 1993. 4 p.m. 7 Race Course Road. The Chief Election Commissioner drove in to meet the Prime Minister. It was an appointment that had been doubly confirmed.

Khandekar, an aide of Narasimha Rao, had called Seshan twice within half an hour the previous day. The first time was to tell the Chief Election Commissioner that the Prime Minister wished to see him. The second time Khandekar had to offer a clarification Seshan had sought.

When Khandekar's first call came, conveying a sense of urgency, Seshan tried to get an inkling of what was on Narasimha Rao's mind even before they met. "What is it that, you think, PM would like to discuss with me? Please find out and let me know. I would like to come with all relevant files."

Khandekar was less formal during his second call which he made within the next half an hour. He said, suppressing a chuckle, that Seshan did not have to take any files with him. When asked about the subject of the discussion and the files Seshan would have to carry with him, Narasimha Rao unfeelingly asked Khandekar something another person would have voiced with a guffaw. "Does Seshan need any files to discuss a subject?" Khandekar saw that as a compliment to Seshan's memory and thoroughness. Seshan suspected whether it was left-handed.

He went to Race Course Road, bare-handed, open-minded. Seshan set out with no expectation, Khandekar's signals notwithstanding. So much had happened in the preceding months that there was no room for any great hope. It would have been naive to expect an air of friendliness, let alone a miracle of rapprochement. Rao was never known for any extraordinary decisions.

What Seshan had not known was that he had an uncanny knack of taking an amazing position whenever things looked going wrong. He had a gift to do something unusual to pull himself back from the precipice when he was about to go under. He would do that only when it was impossible to push the precipice afar for a while. Rao was at his persuasive best when Seshan met him that evening.

The meeting lasted half an hour or more. There was no trace of truculence. The Prime Minister's mien was unbelievably cordial, exuding the warmth of intimacy he and Seshan had nearly forgotten. The informality, the trust and the concern Rao showed left his listener looking for clue to the endless puzzles of human behaviour. There were moments when he felt Rao was suggesting that whatever the Election Commission had said and done were only an endorsement of his own thoughts which he had not voiced openly.

As they recalled all that had happened in the preceding months, Rao said with surprising candour: "What you say is right, Seshan. I have no quarrel. Give me some time to sort things out. Let me find a way for my officers to save their faces." Having said that, he suddenly rose. He had a foreign delegation waiting for him. Could he meet Seshan for a longer discussion later? The note of friendliness was irresistible. A meeting of minds, such as it was, was apparent.

Seshan was not sure whether he believed or disbelieved Rao. Perhaps he tended to believe him. Seshan was quite wrong. That was to be their last meeting before Rao broke the ice again over a year later in June 1994. Ten days after that unexpectedly cordial meeting between the Prime

Minister and the Chief Election Commissioner, the government served on the Election Commission a letter reiterating its earlier views on its powers, lack of powers, that is. That letter of the Union Home Ministry even resented, as had another one before, Seshan's perceived tendency to assume powers not vested in him by the Constitution.

Could it have been written and despatched with utmost secrecy and an unearthly sense of timing, keeping Rao in the dark? It was an open question. It lingered in Seshan's mind like a creeping worm even when he made an effort to be charitable and make himself believe that the Prime Minister might not really have been aware of that humiliation soon after his show of cordiality.

That PM-CEC meeting on July 21, 1993, followed by the Home Ministry's fiat on August 1, was the ugly culmination of a series of silent clashes between the government and the Election Commission. The clashes had begun a year earlier when the Commission began to assert its authority to take action against officers under deputation to it as observers or returning officers. Seshan had no doubt that law empowered him to take action. The government, or its officialdom, did not recognise his authority.

Since early 1992, Seshan has taken to task several officers, senior and junior, for one lapse or another. Among them are Secretaries to the Government and Chief Secretaries to state governments. They were not till then used to the Election Commission claiming such wide powers and exercising them effectively. Officers whose services were made available to the Commission could take it for a ride, giving one silly excuse or another, and choose not to turn up for a prescribed assignment. All that the Commission could do was convey its displeasure to the Home Ministry which of course would do nothing against those officers who might have played truant even with its full knowledge.

That dispensation changed when Seshan arrived.

He was armed with the Constitution. Its clause(6) in

Article 324 reads: "The President, or the Governor of a State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission."

This is reinforced by the Representation of the People Act. Section 13 reads: "The officers referred to in this Part and any other officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of, all elections shall be deemed to be on deputation to the Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Election Commission."

Few cared for this. Officers deputed as election observers would skulk or offer a lame alibi, often late. Someone came once with an excuse that his father had been injured in an accident nine months ago. Someone else wanted to be exempted from election work since he had to send tiffin to his wife's cousin who was convalescing in Safdarjung Hospital. Or there would be a junket in Thailand or Timbuctoo. When an officer said he was going across the Himalayas to study the geography of the silk route to China, Seshan's reply was as curt as it was final: "Silk should wait."

There were occasions when he said no such thing. The order exempting an officer could come instantly. One such occasion was when a woman officer who was to serve as observer in Tripura went to him. She had a Mongoloid daughter. The girl would not eat if the mother was not around. The face of sorrow, like truth, is always recognisable. The mother was not asked one question more. She could be with her daughter at home, away from constituencies where an election festival was being celebrated.

Not so was the case of K Dharmarajan, Joint Secretary in the Ministry of Urban Development.

Dharmarajan's services had been made available in July 1992 to the Election Commission by the Establishment Officer of the Department of Personnel and Training. He was appointed as an observer for elections in Tripura. But Dharmarajan flew not to Agartala but to Thailand. He had to take part in some workshop when he was to go round various constituencies in troubled Tripura. Later when Seshan initiated action against him, Dharmarajan's ministry took up the cudgels for him, saying that he had gone to Thailand for official work.

All excuses trotted out by the ministry and the officer were "unacceptable" to Seshan. Months later, after poring through various documents and considering Dharmarajan's explanation, Seshan ordered: "Some officers like Shri Dharmarajan are apparently under the impression that the performance of duties under the Commission is some kind of voluntary job which they may or may not take up at their own will or brush aside either for trips abroad or so-called urgent duties within their own department."

The Election Commission went a step further. It took action against Dharmarajan who seemed to imagine that his election assignment was merely a "so-called" duty. Seshan ruled: "In the opinion of the Commission, the dereliction of duties on the part of Shri Dharmarajan deserves to be visited with severe punishment. The Commission, however, has taken a lenient view and decided to award him a censure as the intention of the Commission is to take deterrent action rather than punitive action." That was on December 17, 1992.

Nothing could have more enraged the IAS camaraderie, whose part Seshan once was, than such exercise of authority by the Election Commission which no one had ever thought could be capable of doing such things.

A figure still more exalted than Dharmarajan in the galaxy of bureaucracy was to face Seshan's wrath in an order ten days later. K S R Murthy was a Secretary to the Government of India. A Joint Secretary under him in the

Ministry of Welfare, Ganga Das, had been made an observer for the legislative council elections in July 1992 in Bihar which turned out to be scandalous. The issue of Ganga Das was no less scandalous than that round of election itself.

Ganga Das's services were not spared by his Ministry. Whether the Home Ministry had given his name to the Election Commission or not, it was his Ministry which should decide if he should be allowed to go. That was a decision taken by Murthy. When he was asked why action should not be taken against him for defying the Election Commission's order, Murthy said he was having the "legal position" examined. No one examined it. If anyone had, there was no word of it. Murthy never got back to the Commission. The officialdom was showing what it thought of the Election Commission, under Seshan's command or anyone else's.

It had not quite expected what was coming.

Seshan pronounced on December 28, 1992 an order on Murthy's conduct—a damning document. It was also an assertion of the Election Commission's authority in a phraseology no one had ever thought Nirvachan Sadan could employ. The officialdom was not used to its tenor. Officers of his old camaraderie would never forgive him. The Election Commission's order on Murthy, who was to retire in six months from then, was a five-page indictment. It was pointless to initiate disciplinary action against him. So Seshan said:

"The Commission can only bemoan that officers of the type of Shri Murthy are permitted to hold such high office as Secretary to the Government of India, though of course it is the prerogative of the Government of India to take a decision in the matter. Nevertheless, the fact that an officer of such seniority and exalted status has allowed, nay, instructed one of his subordinates deliberately to disobey the directions of the Commission in the discharge of a constitutional obligation is a matter of great national regret and pain. The Commission does not have adequate words to condemn the action of Shri Murthy. If officers at such places can defy the law of the country, Indian elections and therefore Indian democracy will be in even graver danger. The Commission can only exclaim "cry, my beloved country."

The officialdom was shaken. It was not merely that exalted IAS officers were being taken to task. What enraged the bureaucracy, which Seshan calls a "big bunch of courtesans", was that an agency other than itself was assuming powers to punish IAS officers. But no one, not even Seshan, suspected that the bureaucracy was gearing itself up to fight him head on when the Election Commission began taking action against some officers for dereliction of duty.

There was no hint of such a confrontation when Seshan spoke to Cabinet Secretary S Rajgopal towards the end of September 1992. Letters had gone from Nirvachan Sadan to some Joint Secretaries in the Ministries of Welfare and Urban Development about their dereliction of duties. There was no trace of resentment in Rajgopal's voice. Nor in his letter of September 25. If anything, there was only an assurance to Seshan that detailed instructions had been given to government officers about election duties.

One expression in Rajgopal's letter, however, needed to be clarified or corrected. The Cabinet Secretary had said "due priority" would be given to sparing officers for election work. "Due priority"? Who was to decide what was due and what was undue? Seshan would have none of it. Three days later, he wrote back to Rajgopal that there was no question of "due priority being given." It was a constitutional obligation. Quoting the Constitution, he said: "I must reiterate that legally speaking once a person is appointed as an officer of the Election Commission in accordance with the law, he comes under the disciplinary control of the Commission."

And it went about disciplining officers who were assigned to it on deputation. K S R Murthy had not been assigned to the Election Commission but he was also indicted in the harshest terms for keeping back officers who had been given election work. Nothing was known about the examination of the "legal position" he had arranged as he told the Election Commission in one of his letters. It was being assumed that the strictures passed by the Commission against Dharmarajan would be entered into his personal records. There were murmurs all around about the unusualness of Seshan's actions and the officialdom's discomfiture but no one was prepared for what happened in March 1993.

The government dealt a blow on the Election Commission. Seshan winced. The day was March 5. In South Block, Cabinet Secretary Rajgopal would have beamed a smile of victory. Murthy, Dharmarajan and several others who had suffered Seshan's wrath would have celebrated the eventual defeat of the "al-Seshan". In the excitement of the moment, no one imagined the ramifications of that little row over powers between a mighty secretariat and a man who had once headed it.

K P G Kutty is an Election Commission Secretary who does not enjoy facing any crisis. Seshan's speed and style had caused problems of adjustment in early days but Kutty had learnt to live with the excitement that came with election work, particularly when Seshan was in command. The war of attrition between Seshan and Rajgopal had generated a degree of tension in Nirvachan Sadan too. Tension had become almost an agreeable feature of life for Kutty. Yet he was not prepared for what he got that afternoon of March 5. It was a letter from the Establishment Officer, Ministry of Personnel.

The letter was brief. It contained no decision of the man who was writing it. He merely conveyed the decision of the Cabinet Secretariat. Whether that decision was dictated by anyone superior to the Cabinet Secretariat or taken with his blessings is a matter of idle, but eternal, speculation.

Kutty noticed that the typewriter ribbon was bad. The letter was heavily laden with ink. As he read, Kutty's eyes rested on these lines: "In relation to officers in the Central Government, the findings of the CEC can be regarded as a preliminary inquiry and the concerned official may be asked to furnish his comments through the head of the Department/Secretary to enable the Department of Personnel to take a further view in the matter. In relation to officers in the State Governments, the Central Government cannot take any action because the State government is the disciplinary authority. State government can be advised of the findings of the CEC and it would be for them to take such action as they consider appropriate."

That was a document which ruptured Seshan's assumptions, questioned the rationale of his actions. The battle could no longer be put off. It was a battle to prove that Nirvachan Sadan was not an annexe of South or North Block.

Kutty's reply to the Ministry of Personnel was a contrast to his mien. He is a soft-spoken man. He or others would have scarcely imagined that a letter that went out from his desk to the Ministry of Personnel on March 15 could be packed with such power. He found himself holding his pen hard when he put his signature.

No mincing of words. Kutty's letter was no meek submission. The Election Commission's meek Secretary rejected outright the Cabinet Secretariat's decision. Kutty wrote bluntly: "The stand of the Cabinet Secretariat is wholly rejected and directly militates against the express constitutional and legal provisions. It also shows the utter ignorance of the authorities who have processed the matter about the relevant provisions of the Constitution and the laws made by Parliament."

Just as Kutty's communication was being despatched to North Block, another letter for South Block was also sealed in another room in Nirvachan Sadan. Mohan Das, Seshan's private secretary, sealed it mechanically as he did so many other letters. That one was Seshan's letter to Prime Minister Narasimha Rao. It had the structure of a request and the sound of a warning. The Chief Election Commissioner was merely keeping the Prime Minister informed of whatever was happening. He thought he should bring the position to the Prime Minister's notice—"before it gets out of hand."

It 'got out of hand' three days later.

The ignition, unseen and unheard, took place in Rajya Sabha on March 18. The Minister of State for Personnel would not have captured the import of that answer to an unstarred question when it was given. Nor possibly most others.

The answer was that "the Government does not ipso facto consider expression of inability to spare the services of a particular officer for election duty to be a deliberate defiance of the Commission's order."

Most unstarred questions and their answers do not go beyond the eyes of the typist and the Member raised them, earning a place in the annals of Parliament. It took a day for that question and its answer to capture Seshan's glance. As soon as Seshan knew about it, he shot off a letter to Cabinet Secretary Rajgopal. This time round, he was not merely telling the government that it was wrong. He also sounded a warning. His letter of March 26 said:

"The stand taken by the Government...is unacceptable to the Commission. It is not in consonance with, and militates against, the provisions of the Constitution and the statutory law...The Commission desires that an unequivocal assurance of the Government should be made available to it that the mandatory provisions of clause (6) of Article 324 of the Constitution and the orders issued by the Commission in pursuance of those mandatory provisions of the Constitution and the law will be obeyed in toto by all concerned...If the Government fails to provide such an unqualified assurance...the Commission will totally stop all work relating to preparation of electoral rolls or conduct of elections with which it is concerned in all the States and Union Territories of India."

As if to leave no one in doubt what he might do and who was forcing his hands, Seshan concluded his letter on a sharp note: "The Commission also wishes to point out that the repercussions arising out of such a situation would be far-reaching and the responsibility for creating such a constitutional and statutory crisis created thereby shall squarely and entirely rest with the government." It was no empty threat. Such a crisis was to arise a few months later.

There was an exchange of two more letters between Seshan and Rajgopal before matters came to a head. Rajgopal was in no mood to give the kind of assurance Seshan had sought. On the contrary, his position hardened; he rejected Seshan's views on the Election Commission's powers. He set out his views in his letter of April 9:

"If a government officer has to be proceeded against on disciplinary grounds, it can only be done by the Government. The Election Commission has no jurisdiction to take disciplinary action. The notices, if any, issued by the Election Commission to the government officers in the exercise of its purported disciplinary jurisdiction shall have no legal consequence."

Nothing much of all this war of attrition was known outside. Word went round fiercely. There were hearsay reports that Seshan was fighting the government to establish the Election Commission's powers and his status. The so-called steel frame was at war with him. Nothing much more than that was known when Seshan made another last attempt to argue his case in a lengthy letter to Rajgopal on April 16.

The last line of that letter was terse: "The Commission desires to make it clear that it will not send any reminders."

There was no need. The Cabinet Secretary responded three weeks later and, when he did, he was a study in toughness. He wrote on May 5: "After giving its utmost consideration to the points contained in your letter under reference, the government is constrained to state that the view expressed by you on the scope of the Commission's power is not in keeping with the relevant constitutional and statutory provisions."

Rajgopal chose to reserve the sting for the tail of his letter. His conclusion was a barbed appeal: "Government hopes that the Commission will not engage itself in a course of action that is contrary to the one prescribed under the Constitution."

Who is right and who is wrong is now being settled by the Supreme Court. All disciplinary action initiated by Seshan remains frozen because the matter has gone to the court. It was perhaps only a game of one-up-manship on the part of the bureaucracy. Or was it a deeper design on the part of the government with due political endorsement to reduce the Election Commission to an appendage of the Central Secretariat? No one had questioned its authority till then. Seshan who did so had to be told that he would not have his way.

That was what Cabinet Secretary Rajgopal did on May 5, 1993. The consequences, as Seshan had forewarned, were grave. India's silent voters would have mentally repeated the famous words of South African novelist Alan Paton, Cry, the Beloved Country, which Seshan had effectively introduced in one of his letters to Rajgopal.

16

No Holds Barred

Seshan's professional pride was wounded. The Cabinet Secretary's curt letter of May 5 closed all options before him. There was an ill-concealed suggestion in the letter that Seshan did not seem to know his law; there was also a warning that he should not attempt to work against the Constitution. Warning usually has a negative effect on him. When his knowledge of anything is clear and his position well-thought out, any attempt to question or change it is apt to yield a no-holds-barred reaction from him. Rajgopal's letter was driving Seshan beyond the bounds of sobriety.

The first thing he did when he looked at that letter was to reach for his phone. He dialled himself. In the Prime Minister's residence, no one suspected that Seshan was seeking an appointment to signal the final phase of a war of attrition between the Chief Election Commissioner and the Government of India. The appointment was fixed for May 7, as usual at 7 Race Course Road.

Rao was a study in inscrutability. Nothing showed on his face. When he spoke, the Prime Minister was full of amiability. He agreed to review the case himself but that would take a month or so because of his other preoccupations. Preoccupations were of course grim, Rao's regime facing a political blitzkrieg. Meanwhile, Rao suggested Seshan write another letter outlining all that had happened including the PM-CEC meeting.

Seshan returned home less ruffled. It might be that the Prime Minister had not authorised the position taken by the Cabinet Secretary. Knowing, as he did, how a decision on a sensitive issue like that was taken in the government, Seshan was not willing to believe that the Cabinet Secretary had taken a view without the knowledge or approval of the Prime Minister. But Rao's attitude suggested no such involvement. He had even asked Seshan to write another letter stating his position.

Within the next hour, he was told not to write that letter. Seshan was replaying in his mind the day's events with some satisfaction and sprouting regard for Rao when Ramu Damodaran, the Prime Minister's private secretary, rang up. The Prime Minister, Ramu said, was wondering whether that letter to the Cabinet Secretary could not be put off.

"What is this Ramu? PM asks me to write that letter two hours ago and now asks me not to write it. When PM does that, one feels very unsure of things." Seshan signed off, feeling doubts gnaw at his mind.

A week later he was to go on leave, not out of pique or in protest. He was to celebrate his shashtiabdapoorti, sixtieth birth day, in Madras. Such celebrations hardly interested him, particularly when he felt he was being led into a crisis, but his nephews were keen. Their pressure was difficult to resist, their affection overwhelming. So he yielded and decided to go on leave for three weeks from May 23. Rarely had he allowed himself to be away from office for so long.

A week before he left, Seshan wrote to Rao recalling their discussions the previous week. When he dictated the letter, he remembered telling the Prime Minister that the government could set up a committee of jurists to consider the points raised by him. The jurists should be reasonably independent, not exclusively those who would give the opinion the government desired. If they came to the conclusion that the Election Commission did have the powers as he had claimed, the Cabinet Secretary should be asked to cancel his own letter. If they felt otherwise, the government could look for a new Chief Election Commissioner.

He would not like to run elections without powers which he thought the Constitution conferred on him. So had he told Rao on May 7.

He made no reference to his suggestion or Rao's remarks about the letter when Seshan wrote to the Prime Minister again on May 14. He merely intimated his travel plan and offered to be available for discussions at short notice though he would be away in Madras for three weeks from May 23. Before he left, he called on Rao again on May 22. The discussions went on indifferently.

Byelections were under way in some constituencies but Seshan's holiday was not disturbed. The thrill of running elections was nothing compared to the overpowering affection his family gave him during the shashtiabdapoorti celebrations. There was but one person who brought him back to the rough and tumble of elections every day. Almost every day, Narasimha Rao would call him in Madras to talk about one thing or the other. Yet no word about the points Seshan had made in two meetings and two letters.

When Seshan was away in Madras, celebrating his sixtieth birthday, Commerce Minister Pranab Mukherjee was becoming hypertensive. In the course of the continuing battle between West Bengal Chief Minister and the Chief Election Commissioner over the appointment of the state's Chief Electoral Officer, Mukherjee looked like losing his ministership.

Because of that ding-dong battle, Seshan asserting his right to choose the Chief Electoral Officer and Jyoti Basu wanting his man, Mukherjee found the deadline for his election coming too close. He had managed to persuade Basu to let him win a Rajya Sabha seat from West Bengal but the election was kept in abeyance until Seshan had his way. Poor Mukherjee had to quit the Council of Ministers though he was reinducted after his election.

What bothered Rao when he rang up Seshan on June 14, a day after his return to New Delhi, was not what Seshan had uppermost in his mind. The deadline Rao had imposed on himself to give a decision on the points made by Seshan had expired. But there was no mention of it when the Prime Minister called. He merely bemoaned that he was losing a "good minister" in the fight between Basu and Seshan.

Rao did not know how irked Seshan was. Seshan's two-line letter, composed soon after he was back in New Delhi, was already on its way to South Block. It said tersely: "I invite your kind attention to my letter of May 14...I request early decision in the matter."

The "request" was renewed later in the day when the Prime Minister's solicitous call came. Once again there were assurances; there were explanations of the delay. Rao said: "Wait for a few days more. Let me come back from Muscat." The wait was for what Samuel Beckett called the "godot".

Before the Prime Minister was back in New Delhi, some ugly thing happened. The whole country's eyes were glued to a "suitcase" which mega-scamster Harshad Mehta threw open. Mehta, the stock broker who was on the run, came up with startling stories of his links with the Prime Minister. As he seemed drowning in the flood of the multi-million securities scandal, Mehta hoped to drag Rao also for company in his hour of perdition.

The "suitcase" grabbed Rao's mind. There was no room in it for Seshan or his powers. Political survival alone mattered, with or without sullied reputation. Survive Rao did, defeating another no- confidence motion brought by an opposition divided more against itself than united in its efforts to fell a government it hated. Seshan understood: he had to wait.

One after another, incidents were taking place making light of the Election Commission. The impression that it was a little appendage of the Central Secretariat had taken roots for long. Appendage was what Seshan would never be. Not as the Chief Election Commissioner. He was a constitutional authority. Nothing could be a graver affront than to ask a constitutional authority to live in a ladies' lodge.

Seshan can sleep on a bare floor and travel by a bullock cart but not if he is asked to do so to make him look small. A room in a ladies' hostel in Cambridge was what had been booked for him when he would be in London to take part in a Commonwealth conference on elections. Ladies never interested him, much less their hostels. Nor foreign jaunts. Nor that conference in which little countries like Malta would lecture to India's Chief Election Commissioner on how to run elections.

Foreign Secretary J N Dixit was embarrassed. India was being sidelined in various Commonwealth fora. It would be bad diplomacy to stay away from that conference on elections when India could dominate it rightfully. With all his skills in diplomacy, Dixit could not bring round Seshan. Dixit understood Seshan. They had known each other for long fairly intimately.

Dixit was India's High Commissioner in Sri Lanka when Seshan was the Secretary(Secuirty). When Rajiv Gandhi was to visit Colombo, Seshan had laid down so many restrictions that Dixit was embarrassed. Seshan's exclusive concern was the Prime Minister's security. He had reason to worry. As it happened, a soldier assaulted Rajiv Gandhi when he was inspecting a guard of honour.

Seshan had wanted to obviate all such possibilities when he laid down conditions which Dixit found impossible. There was a tough exchange of words. It was even indicated that the Prime Minister's visit may have to be called off it such impossible conditions were laid down in the name of security. However, Dixit and Seshan could find common ground after an initial altercation.

Dixit had another fight with Seshan after he became the Foreign Secretary. A First Secretary in India's High Commission in London had written to the Chief Election Commissioner asking for some information about elections. It was to be used for publicity. India was getting bad press in London. Whatever the diplomatic intention was, Seshan was not pleased with the tenor of that letter. The Foreign Secretary had to intervene to pacify Seshan. Dixit knew his mind. Why was he turning into foes those who admired him, Dixit asked.

Dixit recalled all that when he was talking to Seshan about the Commonwealth Conference in London. Seshan was adamant. Dixit felt it would be a diplomatic setback if India was not eminently represented in that conference. When Seshan finally yielded to persuasion, it was on two conditions. One, Dixit should see that the Chief Election Commissioner flew first class. Two, he was put up in the best hotel in London. The bed in the ladies' lodge could be spared for anyone who enjoyed it.

Weighed down as he was by the thought of all that the government was doing to deny him his constitutional powers, Seshan went to London, flying, of course, first class and staying at the best place in Britain. Dixit could not be disappointed. When Seshan was back home after three days of that jamboree in early July, there was a call from a person who had not talked to him for months. It was Amar Nath Verma, the Prime Minister's Principal Secretary, an old friend.

The Principal Secretary's words were overwhelming, disarming. So they were at least intended to be. Verma rang up on July 10 to announce that a "harmonious solution" had been found. The row between the government and the Chief Election Commissioner was going to be resolved—"harmoniously". Seshan did not ask for an advance audition of Verma's "harmony".

Then Verma came up with a plea for more time. Only a day or two. "Lekin ek do din lagenge, yaar." So what, Seshan asked himself. He had waited so long. "A day or two" more would not matter. More reassuring words came from the man who was going to replace Rajgopal as the Cabinet Secretary. Was it that Rajgopal was the biggest impediment? That was what Zafar Saifullah made it out to be.

Saifullah had reason to be beholden to Seshan. He was once in the limbo of officialdom from which Seshan did his bit to rescue him. Saifullah had fallen on bad days. It was Seshan who worked hard to rehabilitate him. Saifullah felt it was his duty to call on Seshan before he took over the command of administration. It was perhaps useful to try and tame Seshan who was becoming increasingly angry.

If what Saifullah told him was sincere, there must have followed a thaw in the ruptured relations between the government and the Chief Election Commissioner. Things had been, Saifullah said, messed up by Rajgopal. Once he took over as the Cabinet Secretary, every problem would be resolved. It would be perfect cooperation all over. When Saifullah took leave with those words, Seshan did not disbelieve him.

Those were to be Saifullah's last words, that is, last words spoken to Seshan. The new Cabinet Secretary never cared to ring him up ever afterwards. "Not even once," Seshan would say, pondering over human ingratitude. He suspects Saifullah even played his part in vitiating matters further. "That is the IAS culture." To comfort himself, he would hum lines of a Malayalam verse, "he moved along several lands where there was no human habitation."

Coincidences can be intriguing. The day after Saifullah met Seshan, Indian Express published a report on certain plans to "clip Seshan's wings." The report by Devsagar Singh said: "The ruling party is at last out to clip the wings of T N Seshan. It has planned to amend the Constitution to curtail the Chief Election Commissioner's powers. The desperate move comes in the wake of Pranab Mukherjee's discomfiture and on the eve of the assembly elections in states which were till recently under BJP rule."

As usual, that report was followed up by another reporter. Seshan was asked whether he had seen the report and what he thought about it. He had read it without any thought. There was nothing he had to offer to the reporter. News copy came from another source: Press Information Bureau. The previous day's report was officially denied but the terminology of the denial was suspicious. The denial was duly published by Indian Express on July 12 under a meaningful heading: "A denial that confirms."

The "denial" ran like this: "An official spokesman on Sunday sought to clarify that there was no move to amend the constitutional provisions relating to deployment of officials for electoral duties while top sources in the government maintained that it would not be possible to let the Chief Election Commissioner T N Seshan function the way he does."

The "denial" also did not affect Seshan. He was not sure which was true and which was falsehood. There was yet no indication, except Saifullah's assurance, that a "harmonious solution", as A N Verma had put it, was on the cards. Was PIB denying that Indian Express report because it was false or because it wanted Seshan to believe so? Seshan was putting such questions to himself when a "friend" was on the line to arrange a discussion that turned out to be nasty.

The caller was Lalit Suri. He was speaking from his office in Holiday Inn. There was a "common friend" in his room who had to have a word with Seshan. The "common friend" was known to spend long hours in Suri's Holiday Inn. When Seshan had got over all banalities, asking Suri what it was all about, he heard through the earpiece: "I am Bhardwaj." It was the Law Minister speaking. The oddity of the Law Minister reaching him through Suri from his hotel struck Seshan. He did not say a word.

Bhardwaj went on speaking ceaselessly, full of confidence, trying to earn Seshan's confidence, perhaps put him against some others. Like that Indian Express reporter, Bhardwaj began by asking whether Seshan had seen the report and then the denial. He had seen both. Did he know who had got that denial issued? He did not care to find out. Then, as Seshan spoke in monosyllables, showing a clear lack of interest, Bhardwaj came out with what he thought would have pleased his bored listener.

The denial, Bhardwaj said, had been put out because of his specific instructions. The first report was a plant. A N Verma and S Rajgopal were the planters. Bhardwaj was liberal with charges against those whom Seshan did not like. What Seshan did not like at that point of time was Bhardwaj's bluster. It suddenly stopped, like a deflated balloon, when Seshan spoke.

He said: "Mr Bhardwaj, I am not anxious to speak to you. Why do you bring all this gossip to me? I want to share with you nothing. Don't you remember what things you said about me in Parliament when I questioned Santosh Mohan Deb's activities in Tripura? You had the distinction as a minister whose words were so unparliamentary that they were expunged. I don't want to talk to you now." Seshan banged the phone without giving a chance to Bhardwaj to say his witty piece.

Nothing that held Seshan's interest happened. Narasimha Rao was busy with plans to survive a no-confidence motion. Probably he had no time for Seshan. He had all the time in the world earlier but perhaps Rao wanted to see whether the problem would find its own solution or disappear just like that. Seshan was getting worked up. One day, when he thought enough was enough, Seshan dictated this letter to the Prime Minister:

"Kindly refer to my reminder letter dated June 14, 1993 regarding the interpretation of Article 324(6) etc conveyed in the Cabinet Secretary's letter dated 5th of May, 1993.

"You will also kindly recall that I had discussed this matter with you on more than one occasion on telephone.

"More than two months have elapsed and no decision from the Government is available. The Election Commission is convinced that it is just not possible to accept the position stated by the Cabinet Secretary in his letter of 5th May, 1993 and hold elections.

"The Commission is, therefore, being compelled to place the matter before a court of appropriate jurisdiction for a decision.

"I thought it only correct that I should keep you informed."

That letter of July 16 was not despatched for three days. Seshan was debating with himself how far he should go. Finally, when it was sent, Seshan's letter had an instant response. Khandekar, a personal aide of Narasimha Rao, was on the line, not once but twice on July 20.

The cordial meeting between Seshan and Rao that took place the next day was a prelude to further dissonance. There were only two occasions when they ran into each other during that period. Once they met at a function to mark the BSF Raising Day. Then when Rao was in Kanchi Kamakoti Peetham after the Paramacharya's death, Seshan acted as his bodyguard within the precincts of the monastery. Officially, they never met.

A week after that show of cordiality, Rao's regime shot off two letters to Seshan knocking the bottom out of the case he had been presenting for the past one year. It was a case with which the Prime Minister never disagreed. He even concurred. The Prime Minister's words were: "Seshan, what you say is right." Seshan felt cheated when he got the letters of the Home Ministry on July 29 and August 1.

The letters were the government's well-considered responses to the Chief Election Commissioner's direction that "fully adequate central police forces shall be deployed" in Palani and Ranipet assembly constituencies in Tamil Nadu which were to go to the polls on August 19 to facilitate free and fair elections. There were "disturbing reports about the deteriorating law and order situation" in Tamil Nadu. The fast undertaken by Chief Minister Jayalalitha had precipitated violence in various parts of the state. There were apprehensions that the state police might not be adequate to contain violence. Subramanian Swamy had led a delegation to Seshan to complain about the breakdown of law and order.

Seshan's direction was three-fold. One, the Central government should deploy "fully adequate forces" in Tamil Nadu without waiting for the state government's request.

Two, the state government should make full and effective use of those forces. Three, a report of compliance should be given to the Election Commission by 3 p.m. on August 1.

The answer was cleverly orchestrated by the Union Home Ministry and the state government. The Home Ministry's letter on July 29 said: "...the Commission has no power to issue a direction but only can make a request as opposed to direction..." The Tamil Nadu government sent a fax message on July 31 about the "arrival" of some CRPF companies in Tamil Nadu. They were, apparently, still in their barracks. The Chief Secretary's message was: "They will be deployed for byelection duties in the two constituencies."

Balwant Singh, one of the Election Commission Secretaries, was flipping through the pages of a glossy magazine at his house that Sunday, August 1, when a despatch rider came rushing with a message at 11 a.m. It was somewhat of a letter bomb. Balwant Singh opened it and ran to Seshan. Seshan exploded.

The letter said: "Article 324(6) of the Constitution, which is the basis of the Election Commission's direction, does not speak in terms of providing paramilitary or other forces for the maintenance of law and order in a state or to assist the state in maintaining law and order in the absence of a demand for such forces from the state government. The law and order is a state subject(entry 1, List II)."

Several things crowded Seshan's mind. Laloo Yadav's words: "mujhe central police ki zaroorat nahin ha." Zafar Saifullah's promise: "I'll settle the issue once I'm in office." Narasimha Rao's concurrence: "What you say is right."

It was not just that his case was rejected and his authority questioned. He was cheated. The feeling was oppressive. Seshan's response was instant.

He sent for D S Bagga, Deputy Election Commissioner.

17

The Ultimate Order

Monday, August 2, 1993, was the day of Raksha Bandhan, a north Indian ritual of reaffirmation of fraternal commitment. It recaptures memories of valour and sacrifice, stories of brothers dying to protect their sisters' honour, fighting marauders from far and near. When Raksha Bandhan was being celebrated in Hindu homes, sisters tying red threads round their brothers' wrists as a talisman of protection, Seshan sprung on India's voters a 17-page order which he thought was the only weapon in the armoury he could use to thwart the official assault on the Constitution.

The import of the order was simple, stark. No election would be held in future. Until the government recognised the Election Commission's powers, no election would be held. Never.

It was a long-winding order, replete with quotations from the Constitution and the Supreme Court's judgments, citing government documents and the Election Commission's correspondence. It was a frightfully historic order. It threatened to freeze India's system of politics and governance, give all elected bodies a life of eternity.

The hand that signed it would have shivered, normally. At 9.50 a.m. on August 2, T N Seshan, Chief Election Commissioner of India, put his signature on that order with an effortless flourish and handed it to his Private Secretary Mohan Das who stood by, silent like a statue. The order ending all elections in India, sending Nirvachan Sadan on a permanent vacation, was issued at 10 a.m. It took a little while for those lost in revelry on that Monday to grasp the meaning of the matter.

Seshan took four hours to write down the order. He was writing it down in long hand. This was no time for dictation. As soon as Bagga came to his house on August 1, silently cursing the Home Ministry official who had so timed his letter delivery as to spoil another Sunday, Seshan sat with him around the dining table. Their conference did not last long. And then began the composition. It ended when Seshan got up.

The order began on a drab, matter-of-fact note: "Under Article 324(1) of the Constitution of India the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under the Constitution are vested in the Election Commission of India.

"Article 324(6) of the Constitution expressly provides that "The President, or the Governor...of a State, shall when so requested by the Election Commission, make available to the Election Commission...such staff as may be necessary for the discharge of the functions conferred on the Election Commission by the above mentioned Clause(1)."

Then it went on to say how the Election Commission had been going about its job and what the framers of the Constitution had expected it to do. B R Ambedkar's speech in the Constituent Assembly on June 15, 1949 was briefly quoted:

"The House affirmed without any kind of dissent that in the interests of the purity and freedom of elections to the legislative bodies, it was of the utmost importance that they should be freed from any kind of interference from the executive of the day...It transfers the superintendence, direction and control of the preparation of the electoral rolls and of all elections to Parliament and the Legislatures of States to a body outside the executive to be called the Election Commission."

There are the Supreme Court's observations which strengthen Seshan's case. The Representation of the People Act 1951 also provides that officers designated to do election duty shall be subject to the superintendence, control and discipline of the Election Commission. What follows after elaborate references to these provisions is an indictment of ruling parties and certain people of the civil service.

"In spite of this specific pronouncement of the law by Parliament, the insidious designs of the executive have been hard to counter. In every election the number of "committed" civil servants with misplaced loyalties have proliferated. This order need not dilate on the increasing infringements of the Model Code of Conduct by the ruling political parties at the Centre and in States which are multiplying by geometric progression."

As he wrote, Seshan decided to make everything clear, how he went on presenting his case before the government, how he felt he was being hoodwinked and so on. An elaborate narration of the chronology of correspondence. A reference to the Home Ministry's letter delivered at Balwant Singh's residence on Sunday. It was all written at one go, the pen never losing touch with the paper.

And, then, he was to comment on that letter. Seshan paused for the right words. He glared at Bagga blankly. What was to be the worst ever indictment of any government by the Election Commission was taking the shape of words in his mind. Seshan wrote:

"This challenge is fraught with the most perilous consequences for the future of democratic elections in India and the open attempt to subjugate the Election Commission under the executive, if allowed to go unchallenged, will destroy the very roots of India's democracy. The constitutional position of the Election Commission will be nullified, rendering it incapable of performing its fundamental functions of securing the services of the staff required for conducting a fair and free election."

The last paragraphs of the order flowed without interruption. There was no pause when Seshan recorded the operative part: "Till such time as the present deadlock, which is solely of the making of the Government of India, is resolved, the Commission does not find itself in a position to carry out its constitutional obligations in the manner envisaged by the makers of the Constitution, and has accordingly decided that all and every elections under its control, including biennial and byelections to the Council of States, byelections to the State Legislative Councils, byelections to the House of the People and byelections to the State Legislative Assemblies, as have been announced or notified or are in progress, shall remain postponed until further orders."

Most people who read that order stopped there. All ongoing elections stood postponed. They thought that was all about it. That was what was of immediate concern. Many would not have imagined that the order had something more sinister reserved in its last but one paragraph. That was the paragraph which declared that the Election Commission was, as it were, opting out of its assignment, holding all elections in the future also in abeyance.

"Nor shall the Commission take any action to hold any elections for which it has authority and responsibility until the Government of India accepts and announces its willingness in unequivocal language to abide by the provisions of the Constitution and the law relating to elections, and the entire work will be resumed as soon as the Government of India communicates the same."

That order marked a turning point. Many among Seshan's chronic foes suddenly turned friends. Newspapers which once revelled in running him down began to praise him as democracy's saviour of sorts. Whether it was the comparative purity of elections that his order might effect or his unusual capacity to force an issue in an extraordinary manner that held people's attention and earned their praise could be debatable. The man who had been denigrated as "bully" and "al-Seshan" and what not found sympathy, endorsement and adulation coming his way.

Sympathy came from the Supreme Court. When the matter went to the court after a few days, Chief Justice M N Venkatachaliah observed on one occasion that he was speaking "with great concern and sympathy for the plight of Election Commission. I think the motives with which the Commission acted were bona fide. Our sympathy is there for someone who has taken on himself the task of cleaning the process."

Fali Nariman, eminent lawyer, too shared that sentiment. Nariman was representing Sharad Pawar, Maharashtra Chief Minister, whose political career was also affected by Seshan's order. Pawar was contesting an election in his state where he had become the Chief Minister relinquishing his berth in the Union Cabinet. His problem was that he would lose his chief ministership if he was not elected to the assembly or the legislative council within a few days from then. What Pawar's lawyer, Nariman, openly said was this: "I have no doubt that the Election Commission was moved by the best and highest motives."

When Seshan took to task a last grade employee for entertaining guests early morning in Nirvachan Sadan's reception room, Indian Express had said: "Seshan must go." When he declared that no election would be held until the government came round, it said: "Any attempt by the Centre to question the Commission's or the Chief Election Commissioner's motives will prima facie lack conviction. It will be difficult to denigrate T N Seshan's action as partisan..."

Foes were turning friends all around. Ironically, what turned hostility into admiration was that frightfully historic order halting the entire election process indefinitely. That was a reflection on the growing disgust with and the distrust in the prevailing culture of political governance.

There was but one group which was not amused by

Seshan's action: the operators of that political culture. What awaited him when Parliament met on Tuesday, August 3, was outright condemnation. All sections of Parliament were outraged. Somnath Chatterjee(CPM) was the first to speak. He was also the most vociferous.

Chatterjee's party had never taken kindly to Seshan. In West Bengal's politics, Jyoti Basu's patrician ways had earned plebeian admiration. The toiling masses had been taught to pay court to that paragon of affluent elitism. It is a contradiction; but contradiction is the essence of communism. Seshan's style was anathema to Basu and his men. They clashed with Seshan on issue after issue.

There were occasions when Basu forgot his bhadralok lineage. He once called Seshan a "mad dog". Basu should have known that a word of abuse reflects only the culture of the man who uses it, not the character of the man against whom it is used. Seshan did not respond. Basu deployed Nar Narayan Gooptu, West Bengal's Advocate General, to set up an egregious trade union: Confederation of Advocate Generals of India.

It was to fight against Seshan's capitalism and liberate Advocate Generals from his tyranny. The tragedy of Indian public life is that such revolutionaries as Gooptu who instal themselves on the vanguard of a movement to liberate Advocate Generals are often dismissed as buffoons. Which may be why Gooptu's revolution was restricted to occasional rantings from West Bengal Bhawan in New Delhi. The Confederation of Advocate Generals of India functioned with Gooptu's mind as its headquarters.

When communists abuse their enemies, they instinctively invoke something in which they do not believe: democracy. It was the danger to democracy over which communists were concerned when they abused Seshan. Like Basu, Somnath Chatterjee belongs to the bhadralok. Unlike Basu, he has not been perfectly declassed. Chatterjee did not find Basu's revolutionary abuse, "mad dog", coming to his lips when he thundered in Parliament about the danger to democracy.

He asked rhetorically: "Will this Parliament be a mute spectator not only to the total erosion of parliamentary democracy but also the total subversion of the Constitution, subversion of the principles of parliamentary democracy in this country?"

BJP leader L K Advani was "shocked". He could not imagine "how a constitutional authority can issue an order of this kind." Who was Seshan's target? "Everyone keeps on thinking that perhaps Shri Sharad Pawar is the target. Someone thinks that perhaps Shri Pranab Mukherjee is the target. Someone thinks from my side that it is our four governments, where elections have to take place in November, are the targets."

V P Singh is known for his use of effective metaphor. He said: "We had heard about the lock-out in the industrial sector. Now they have locked it out, a democracy has been locked out." Others were equally apprehensive and, critical of the government. P G Narayanan(AIADMK) had a cut-and-dry prescription: "It is high time to sack Mr T N Seshan out of his office through impeachment." A weak man's threats are always dire, never simple.

When H R Bhardwaj, Minister of State for Law, made a statement in Parliament later, there was no trace in it of his animus towards Seshan. He read out a bland statement, recounting the events leading to Seshan's order of Monday without any inflexion. Bhardwaj said "this order has brought the entire ongoing election process to a sudden halt" but there was not a word about what the government felt or what it was going to do.

One member, Chandrajit Yadav, told Bhardwaj: "Meanwhile you ask him to resign with grace." Bhardwaj's reply was: "Whatever the consensus, we will take action accordingly." Neither Yadav nor Bhardwaj felt Seshan was not a person whose resignation could be forced out of him. When Bhardwaj said he would act according to the consensus, was he giving a glimpse of his desire?

A day later Attorney General Milon Banerjee was summoned to the Lok Sabha. Seldom is the Attorney General called to the House. He is the only constitutional functionary who is not a member of any House who can be summoned to give his views on a specific issue before Parliament. It was the desire of the House to hear the Attorney General. It was but a constitutional formality. Everyone knows that the Attorney General need not be the best legal brain in the country; his opinion could just be one man's opinion. Oftentimes it could also indicate the direction in which the government wished to carry things along.

That was perhaps what gave the Attorney General's appearance a new degree of relevance. The issue was so complex and fraught with frightful consequences that Parliament wanted to be advised by the government's principal law officer. The government could fortify its position with the opinion of the principal legal counsel and find justification for whatever its small and big functionaries had done in the name of the Constitution. Opposition parties were perhaps not so anxious to hear Milon Banerjee as the ruling party was to present him. Banerjee had risen to that position replacing G Ramaswamy who was Seshan's friend and the Election Commission's chief advocate.

Ramaswamy had been forced to resign in the wake of reports that Standard Chartered Bank had given him an overdraft facility to the tune of Rs 15 lakh. Ramaswamy had an explanation. For one thing, the money involved was pittance, considering his annual income from fees, over Rs 3 crore. For another, he never used that overdraft. Whatever explanation he gave was however not enough to stem the controversy. Finally, Bhardwaj was having a chat with him one evening when Ramaswamy wrote down an offer to step down. The Minister of State for Law took it for a resignation letter and sent it up straight to the Prime Minister.

Few Lok Sabha Members might have considered what position the Attorney General would have taken if Ramaswamy had not been replaced by Milon Banerjee.

Conceivably, that would have been an extraordinarily embarrassing occasion for Rao's regime. Ramaswamy who was not exactly a favourite of opposition parties might have, for once, spoken words which could be music to them. What they heard was Milon Banerjee's exposition portraying the Election Commission as an "ally, a subsidiary or a subordinate" of the government.

He said: "The Election Commission must remain to a large extent an ally of the government, not only that, it must to a considerable extent be subsidiary to the government except in regard to the discharge of functions allotted to it by law." That was not all. Banerjee said enough to fortify the government's position as had been taken in letter after letter from South Block even when Prime Minister Rao seemed to suggest that Seshan's case had some merit in it. A newspaper report paraphrased Banerjee's speech and gave its highlights in a box with a headline, "Milon rebuts Seshan":

"The framers of the Constitution had not envisaged—in fact cautioned against—a quasi-independent status for the Election Commission like the judiciary.

"Article 324 of the Constitution nowhere gives any disciplinary jurisdiction to the Election Commission.

"The Election Commission has no exclusive disciplinary jurisdiction over the government staff deputed on election duty.

"The Centre cannot be directed by the Election Commission to send para-military forces to a state contrary to the desire of the state government.

"The Election Commission cannot draw any authority from Article 324 in support of the proposition that it has the right to decide as to which staff is required for conducting elections."

Verily, Banerjee argued, the Election Commission was an ally of the government, to a large extent, and a subsidiary, to a considerable extent. He did not say that the Election Commission should be made a proper Election Department of the government, taking instructions from everyone ranging from the Section Officer to the Cabinet Secretary.

All that did not alter the situation. Elections remained indefinitely postponed. No one knew how to disentangle themselves and the polity from the unthinkable situation into which Seshan had landed it. More precisely, it was a situation into which Seshan had been forced to land them.

As Parliament was agonised and the government perplexed, Seshan's residence in Pandara Road became a busy place, politicians who had a rapport with him walking in and out, others calling him over phone. Phone calls from opposition leaders who wondered whether the crisis forced on the nation could be used to fell the government were either not taken or ended with inanities. Some others however had several rounds of discussions with him.

They had come on a mission of mediation. Their endeavour was to find a way to resolve the crisis. They were people who enjoyed Narasimha Rao's confidence; they could also establish rapport with the difficult-to-deal Seshan. Among them were Margaret Alva, Rangarajan Kumaramangalam and N K Sharma. The last of them is not a politician. His business is spirituality. His credentials are his proximity to Narasimha Rao.

No one could come up with any easy solution. One suggestion was mooted and that was Seshan's. There were three options: one, the government should recognise the Election Commission's powers; two, it could refer the matter to the Supreme Court; three, Seshan could step down. Each option was as hard as the other two. The mediators could not decide. The Supreme Court could.

The order of Chief Justice Venkatachaliah and Justice S Mohan came on August 10. Before them was the Election Commission's writ petition. Seshan's idea was never to paralyse India's electoral democracy but to assert the Election Commission's right and duty to ensure the purity of elections and schedule them in a manner it thought was appropriate in a given situation. The Commission's orders postponing certain elections had earlier been challenged by some candidates who even got favourable orders from some high courts. The Commission's powers were brought into sharp focus.

It was Ramaswamy who appeared for the Commission. In a surprising move, he told the Supreme Court that the Commission would reconsider its order of embargo on all elections and might even withdraw the notification of August 2. This was variously interpreted as a "climb down" and a "tactical" move. The Supreme Court did say that it was the responsibility of courts to ensure that constitutional authorities functioned within the sphere of their respective constitutional authority. Justice Venkatachaliah and Justice Mohan also felt it was "eminently arguable" whether the blanket suspension of the electoral process was justiciable. But what it said in the same breath was manifestly a point in Seshan's favour:

"We reiterate the judicial perception as to the constitutional position and the plenitude of the powers of the Election Commission as a high and exclusive body charged with the duty, at once sensitive and difficult, of overseeing the free and fair elections in the country and that its perceptions of the imperatives for a free and fair elections are not to be interfered with by the courts...The jurisdiction of courts would not extend to issuing directions to the Election Commission for the conduct of particular polls on particular dates independently of the perception by the Commission as to their feasibility and practicability consistent with what may be needed to ensure the purity of the electoral process..."

Ramaswamy rang up Seshan as soon as the Supreme Court's order was pronounced in the afternoon. And, Seshan rescheduled the suspended elections for September. He felt he had won a point.

Seshan also called up Narasimha Rao. There was nothing grave to talk about then. Seshan said in a short sentence that the elections had been rescheduled. "That is your duty," Rao said and the brief talk ended.

Attempts to obstruct his "duty" had already begun.

18

An Abortive Ambush

Long months of battle, fought on all fronts, left him weary. Politicians whom he had known for long, officials who had worked with him longer, self-appointed messiahs of rectitude and right conduct, all kinds of people with whom he had intimate or distant relations, were involved in those battles. There were setbacks and scurrilous criticisms—and victories which followed weeks of tension. Seshan realised that it was time to rest.

Jayalakshmi was pleased when he proposed that they go away for a few days to a place where Delhi's soul-cramping tumult would not require him to think of moves and countermoves in an uncreative war of attrition. Through an ultimate move, threatening to halt the election process without any limits of time, he had stated his case in an unusual manner and earned the Supreme Court's endorsement for the essential point of his case. That was the time to take a break. Jayalakshmi and Seshan decided to go on a short holiday to Pune.

An old friend, S Padmanabhan, had invited them to spend some time with him in his house in Pune. Padmanabhan had quit IAS in disgust some years ago. His wife, Shiela, worked for a Marathi newspaper group run by a relative of Sharad Pawar. When Padmanabhan said it would do good to Seshan's nerves if he could spend a day without having to think of elections and official intrigues, he agreed happily. Both Seshan and Jayalakshmi took an afternoon flight to Pune on October 1.

Just as they were getting ready to drive to the airport, a special government plane was taking off from Gwalior to New Delhi. It had been sent there to fly back to the capital a person whose brief was to reduce Seshan to irrelevance. It was M S Gill, Agriculture Secretary.

Gill had lost the race for cabinet secretaryship and was to retire shortly. The new post of Election Commissioner would give him a Supreme Court Judge's higher status in the sacred order of precedence and a tenure of six years which could be broken only by impeachment or death. And the government was depending on him to discipline Seshan whom it had failed to neutralise with all the tricks in the bureaucracy's trade. It was a daunting task Gill accepted gleefully.

G V G Krishnamurthy was more than gleeful. He was overwhelmed by the trust the government reposed in him and the onerous national responsibility it entrusted. Krishnamurthy had been trained as a lawyer in Andhra Pradesh and rose to be a Law Commission Member. His erudition in jurisprudence and Gill's administrative acumen should be adequate to tie Seshan up in a hundred knots of law and procedure. Someone perched in a cloistered chamber in South Block must have thought so.

Their installation as Election Commissioners was accomplished much like a mini-war operation. The strategy devised by some administrative wizard who must have had a flair for subterranean operations was that the Chief Election Commissioner should not have a scent of what was going on. Before he knew it, the two Election Commissioners should be well in position, all too ready to strike and fell the Chief Election Commissioner with their sheer numerical strength and Krishnamurthy's legal genius.

So they descended on Nirvachan Sadan that evening when Seshan's shadow was not around. Someone might have warned that it would not be safe to enter when he was there. It was a strange, morbid fear. Seshan was still in the air on his way to Pune when Gill and Krishnamurthy turned up in the Election Commission's office, duly armed with a Rashtrapati Bhawan notification. What was to develop into a third-rate comedy enacted by top-grade players began soon. Peons in Nirvachan Sadan giggled when people with a Supreme Court Judge's status played their games.

Shiela was the first person to tell Seshan that there was something rather important happening in New Delhi. "Mr Bagga has been asking for you. He rang up several times. Sounded frantic," she told Seshan as soon as he and Jayalakshmi arrived. Whatever it was, he knew, his holiday was not going to be quiet. Enough had happened in New Delhi to draw him back by the next available flight. He would not be drawn back before his planned holiday ended: Seshan told himself.

News hounds also sought him out. What did he have to say about the appointment of a three-member Election Commission? What did he think of the manner of appointment? Nothing. Not a word did he speak. He knows how to let his tongue be loose and how to hold it. This was the time, he thought, for him to hold it. He had to talk to Bagga and find out whatever had happened. Reaction had to be action. Not a profusion of words, angry or appealing. Seshan told every reporter who rang him up a self-same reply: "No comments."

Newsmen could not claim the credit for having broken that news to Seshan in Pune. Bagga, when Seshan spoke to him later that evening, also knew that he was perhaps not the first to tell him that the government had hoped to turn him into a balloon that could no longer be inflated. The fact was that Seshan had a hint of what the afternoon bore in its womb when he took off from New Delhi. Only that he did not know the shape of the baby the government created during some long hours of darkness.

When Jayalakshmi was packing their luggage for the three days' trip to Pune that morning, the Union Cabinet was in session. Zafar Saifullah, who had called on Seshan to assure him that everything would be sorted out once he was in command, was the Cabinet Secretary. What he was recording was no decision that could be remotely described as an effort to sort things out. The cabinet was clearing an ordinance to render Seshan a wingless bird.

The cabinet chose to cloak its decision in ugly secrecy. There was no mention of it at any news conference earlier. Congress leaders' responses during and after the parliamentary discussion, more particularly after the Supreme Court's interim order, did hint that the government had something up its crumpled sleeves. But no one really expected the order when it came.

For some funny reason, the government chose to issue that order a day before Gandhi Jayanti. It was verily an exercise in political pusillanimity. As it turned out later, the government, equipped as it was with all the political wisdom and administrative legerdemain, was being stupid. Where was the need to put out such an ordinance, which had serious constitutional implications, behind the back of a constitutional functionary whose role it was going to curtail?

Someone in South Block had conjured up a vision of Seshan as a villain capable of wreaking more havoc than he could have possibly wrought even if he so desired. What he or they brought to the exchequer was a drain of resources by employing two people who had or could do no work in Nirvachan Sadan. Work or no work, they are still around to collect their cheques every month.

Seshan was not entirely unaware of it all when he left New Delhi for Pune. None of the great mediators who had spent so many hours with him to restore what they described as peace had told him anything about that operation. But he did have a hint of what was coming. "Let it come. I cannot alter my plans to suit the official designs. I don't have to." Seshan told himself and drove to the airport with an amazing degree of unconcern.

When he rang back Bagga from Padmanabhan's house in

Pune, what Seshan heard from the other end was a perplexed voice. There was an elaborate description of the arrival of Krishnamurthy and Gill in Nirvachan Sadan and their demands. It was shortly after 5 p.m. when Krishnamurthy descended on the Election Commission, flaunting his orders. Then came Gill's call to say that he was also turning up there.

Bagga was participating in a meeting upstairs to condole the death of several hundred people in an earthquake at Latur in Maharashtra. Some South Block genius had timed it all so meticulously. He wanted to introduce an element of frivolity in Latur's sorrow. He also liked to play a secret game on the eve of the birthday of that forgotten, but annually remembered, man of truth. When the arrival of Krishnamurthy was brought to his notice, Bagga went down to his room downstairs. The new Election Commissioner was seated at his table. Krishnamurthy wanted to be shown to his room. Which room Bagga did not know. When he left office, perhaps the worst afternoon in his career was behind him.

Seshan merely told Bagga that whatever facilities were being sought should be provided to Krishnamurthy and Gill. He would not cut short his stay in Pune. There was no need. Such things should not upset him or his plans.

Bagga had more things to report the next day. Krishnamurthy had come with a clear mind. He knew his brief. The employees of Nirvachan Sadan had to be told that he was the boss, not Seshan. Unluckily for Krishnamurthy, most employees had begun to recognise Seshan's relevance; hostility was a bad dream, forgotten. Krishnamurthy and Gill and those who pressed them into service might not have anticipated such a contingency.

The first order of Krishnamurthy was to remove G Ramaswamy from the Election Commission's advocacy. The idea came to him in a brainwave; there was no apparent reason to replace Ramaswamy with someone else. As far as Ramaswamy was concerned, except for the honour of fighting the Election Commission's case, he would lose nothing; he would only gain much more money from private clients whom the Commission could not hope to match in terms of paying capacity.

Deputy Election Commissioner N A Viswanathan was dealing with legal affairs. He had been to Ramaswamy's office on Gandhi Jayanti to discuss a petition filed by the Delhi Administration seeking postponement of the first assembly elections fixed for November. Later that evening Krishnamurthy acted. He rang up Viswanathan with a direction that Ramaswamy should be dropped and another lawyer was to be engaged. The first part of the direction, Ramaswamy's removal, was carried out. Krishnamurthy had chosen K Parasaran in place of Ramaswamy.

In the process of changing the advocate, the case was adjourned by the high court. Parasaran opted out. Krishnamurthy then came up with the name of Gopal Subramaniam whom the Deputy Election Commissioner could not meet even after waiting for two hours at night. Something seemed to be going haywire. But Krishnamurthy was not daunted. He never doubted his capacity to have his way through Nirvachan Sadan, Seshan or no Seshan. Seshan was still in Pune waiting to see how far things would go.

When he was back to New Delhi on the evening of October 4, Seshan saw the tide turn in his favour. The manner and purpose of inducting the two Election Commissioners had not been lost on the people. Most newspapers recognised it for what it was: a calculated attempt to clip Seshan's wings. One of them called it a "constitutional quake." This was the way Indian Express reported their appointment:

"A panic-stricken government has come out with an unparalleled ordinance to abridge the authority of the Chief Election Commissioner who is a constitutional entity. Two more Election Commissioners, with powers equal to the CEC, have been appointed by the Presidential order under clause (2) of Article 324. All decisions of the Commission shall be taken on a majority basis. The nation was still reeling under the impact of the massive earthquake in Maharashtra, when the Union Cabinet met to administer this constitutional quake."

During Rajiv Gandhi's last days in office, two Election Commissioners, S S Dhanoa and V S Seigell, had been appointed in an obvious bid to neutralise Chief Election Commissioner Peri Sastry. That was the first time a multi-member Election Commission had been set up. Seshan was then the Cabinet Secretary but he could do nothing about that political decision. He says he was not even associated with it remotely. The National Front government sacked the two Commissioners and one of them, Dhanoa, went to the Supreme Court which duly dismissed his petition.

That was when the Supreme Court favoured the constitution of a multi-member Commission but with a stipulation that it should be done in consultation with the Chief Election Commissioner. When Krishnamurthy and Gill were appointed, the government's conscious effort was to keep the Chief Election Commissioner in the dark about what it was up to.

That was a good ground for Seshan to challenge the ordinance and the appointment. There was another hitch. It had also been stipulated that the order of appointment should also indicate the specific duties each member of the expanded Commission would perform. In their extreme hurry to marginalise Seshan, the mandarins in South Block had forgotten to complete such formalities.

The ordinance and the order of appointment of Krishnamurthy and Gill left a sprawling grey area. There was considerable room for confusion. That would be disastrous at a time when a politically significant round of elections in Uttar Pradesh, Madhya Pradesh, Rajasthan, Himachal Pradesh and Delhi were on the cards. That grey area in the order and the resultant confusion was the government's unintended gift to Seshan.

Gill is a suave person. He chose to be courteous. As soon as Seshan was back in New Delhi, Gill called on him and spent three hours at his residence. The next day both of them were to go to Nirvachan Sadan together, arm in arm, in a show of amity. As it happened, Seshan found himself going to Ram Manohar Lohia Hospital the next morning. Suddenly he had a tooth ache. A loose nail on a chariot was what altered the course of Ramayana. An aching tooth was what apparently changed the scenario in Nirvachan Sadan.

For a couple of days Seshan allowed things to take their own course. He sat back at home nursing an aching tooth. Krishnamurthy was having problems in Nirvachan Sadan, problems about his room, his phone, his staff. Was this the way a constitutional authority to be treated? The employees in Nirvachan Sadan were having fun when constitutional functionaries flew into tantrums.

Krishnamurthy went to no less a person than President Shanker Dayal Sharma. Where else could a constitutional functionary go? Later an amused or embarrassed Rashtrapati Bhawan reportedly asked the dignitaries of the government whether the President of India should be bothered with quarrels about phones, peons and toilets. When Krishnamurthy was going to Rashtrapati Bhawan, Seshan was giving final shape to his petition to the Supreme Court.

The Chief Election Commissioner did take a meeting of the Commission with its two new members on October 11. The meeting was a "disaster" as Gill put it later. As Seshan put it later in his petition to the Supreme Court, Krishnamurthy's behaviour at the meeting, such as it was, was "unparliamentary and highly derogatory."

The meeting was violent. Krishnamurthy arrived in Seshan's room on time, Gill a couple of minutes later. As soon as Murthy entered, he found himself assailed by a great philosophical doubt: Where should he sit? Right in front of Seshan? Or on a sofa placed a little away from Seshan's desk? A constitutional functionary should not take whatever seat was available without posing such cardinal questions. Murthy would not sit in a chair around Seshan's desk. "Those chairs are meant for your chaprasis," Murthy said. He would rather have Seshan come and sit by his side, away from the Chief Election Commissioner's desk. Gill who walked in then was amused or embarrassed. It was hard to decide whether he should sit by Murthy's side or take a chair in front of Seshan. What ensued was an ugly acrimony. Overwhelmed by his new assignment and conscious of his constitutional status, Murthy was in a mood to discipline Seshan. That was clearly what the government expected him to do.

Murthy had perfected certain mannerisms of speech over the years. He knew that he had to employ a new speech style for effective communication. Monotone bored him, when it came from others or himself. Words needed varying degrees of emphasis. The speech technique Murthy adopted was to give his words emphasis by spelling them out. As he sat in his chair behind the desk which had not a scrap of paper on it except the agenda for the meeting that was supposed to be under way, Seshan felt the impact of Murthy's copyrighted speech style.

Seshan's silence was studied. He had decided not to be provoked in that meeting he had called in his own room. Murthy's tirade, duly accompanied by appropriate gesticulations, continued. He had, as he said, a "lesson" to teach Seshan. If his listener had not got what he said, Murthy spelt it out for him: "L-E-S-S-O-N". Seshan was not curious to know what it might be. He was rather surprised by his own patience. Krishnamurthy had reserved excellent words of abuse for Seshan: "Idiot", "stupid", "insane", all spelt out loudly to avoid any misunderstanding. Many had lambasted Seshan before and after but no one had abused him for so long right in his face. Murthy was a brave man.

The corridors of Nirvachan Sadan were deceptively quiet when Krishnamurthy was shivering with rage in Seshan's room. Gill was worried. Murthy was a heart patient. Such fits of rage were not good for him. Gill sounded a word of caution: Take it easy, cool down and so on. Perhaps that worked.

Whether because that warning took effect or because he was exhausted after working himself up for so long, Murthy lapsed into an amiable state. Suddenly he felt like embracing Gill—and then Seshan. He wanted to "forget and forgive". Saying so, he hugged Gill. There was no one around to record that historic scene on film. Then Murthy turned to Seshan: "Are you ready to forget and forgive?" Whether he was ready or not, Seshan was in no mood for an embrace. He looked away.

There was only a peon standing in the corner outside Seshan's room when Gill and Murthy came out of it after a tiring exercise. As they walked past, the peon had no idea what had transpired in the boss' room. The securityman who was fiddling with his wireless set moved a few steps aside. Bagga and Viswanathan sat in their rooms wondering what might have happened. Nirvachan Sadan's employees looked at each other whispering their fears, sharing jokes about the Constitution and the silly men it created.

That tempestuous "meeting" lasted more than half an hour. Seshan took one more meeting. That was the last. It took thirteen seconds less than four minutes. That had been called to discuss the Supreme Court's order. Seshan opened by saying: "The agenda is to express our views on the implementation of the Supreme Court's order. I have no views." Others said nothing. The meeting ended in three minutes and forty-seven seconds. That was perhaps the shortest meeting ever held in the annals of public administration.

The Supreme Court's interim orders on Seshan's writ petition challenging the appointment of the two Election Commissioners were favourable to him. Justice P B Sawant and Yogeshwar Dayal ordered on November 15: "To ensure smooth and effective working of the Commission and also to avoid confusion both in the administration as well as in the electoral process, we direct that the Chief

Election Commissioner shall remain in complete control of the Commission's work.

"He may ascertain the views of other Commissioners or such of them as he chooses on the issues that may come up before the Commission from time to time. However, he will not be bound by their views. It is also made clear that the Chief Election Commissioner alone will be entitled to issue instructions to the Commission's staff as well as to outside agencies and that no other Commissioner will issue such instructions."

What work Gill and Krishnamurthy performed after that order was issued by the Supreme Court is a mystery. There were occasional statements by them. That was evidence of their remaining in office. When they were deployed, the government had hoped to ambush Seshan once for all. Whether their moves were right or Seshan was too clever for them, the ambush was abortive.

19

A Role Model Emerges

When it was all over, Seshan was emerging as a kind of role model for vast sections of people, younger people particularly.

He began addressing public functions all over the country. Meetings were invariably successful, crowded. Where only politicians and cinema stars and, rarely, spiritual leaders are acknowledged crowd pullers, that was an event. Perhaps he drew attention because he was running down politicians and their shadows and handmaids as also the culture of cant they had perfected for an idle crowd of acolytes.

Seshan was becoming a tentative answer to some vague but intensely felt questions in people's minds.

The way he fought the government seemed to have given people an impression that here at last was a man who would take it on. The measure of victory he earned through courts gave that impression depth. Seshan, on his part, also realised the need to go to the people in person, ending his exclusive dependence on courts for a solution to all his problems.

The limits of the judicial help were so clear to him. The executive knew no limit when it wanted to get him out. The political cartels were no conscientious allies whose support he could seek, but enemies to be fought. It was therefore better to go to the people in whose name politicians made laws and courts interpreted them. The people had to be told about the absurdity of the laws made for them and about their outrageous implementation which was often non-implementation, otherwise violation.

Inevitably, there were some who resented Seshan going public. He was accused of hogging headlines in newspapers. The nature of the charge had suddenly changed. The man who was once derided for being abrasive was now being criticised for saying things in which people discovered sense and amusement. No Chief Election Commissioner had ever before done such things but then he had, as Seshan would say, no parallel. Even R Venkataraman whom Seshan had taken for a mentor for a while decried his "high-profile" postures. From those "high-profile" meetings, he gained people's confidence. He began setting right the election system all on his own.

The assembly elections in November-December 1993 were a political watershed. BJP lost much of its political power and sheen. Its leaders began to be assailed by self-doubt. The single-point Ayodhya agenda was proving to be inadequate for an outfit which had grandiose notions about its own political prowess. The Congress had little to gloat ever except that the victory of its principal opponent was averted where it was in power so far. Narasimha Rao's regime could have drawn strength from that situation and pursued its plans to render Seshan irrelevant.

It was scared. It avoided all such thoughts—for a while. Seshan who was winning accolades from everywhere for holding assembly elections so well could not be fought straightaway. Politicians of all hues were overawed by the ovation Seshan was winning whenever he talked about the ugly violation of every election law. A model code of conduct for political parties which took part in elections had been lying in the unopened desk drawers in Nirvachan Sadan. No one could really fault him for taking it out and suggesting that everyone abide by it in the interest of electoral fairness.

When he did, hell broke loose. Congress spokesman V N Gadgil said: "The code is not a statutory code nor has it any legislative backing. It has not been passed by Parliament and there is no obligation on the government either to implement or enforce this decision." That was that. The model code of conduct was a glorious charter of India's democratic elections as long as it was not implemented. When someone thought of carrying out those pious intentions, all was clear: the code was only a code, no law anyone was supposed to obey. The code of conduct had been evolved only to beguile the people into believing that the gentlemen whom they elected were paragons of honesty.

The code forbids use of official vehicles by politicians in power for party purposes. Santosh Mohan Deb, Steel Minister, who had been exposed earlier when he was meddling with officers during the Tripura elections, was caught napping. He had used the Steel Authority of India's aircraft during the November-December assembly elections. Questions arose about Deb's conduct. Seshan observed that Deb had misused official planes by cleverly combining official work with his party's campaign. He insisted that the cost of flying the aircraft should be recovered from Deb.

"Nothing doing" was the official stance. The government told Seshan so, bluntly. Gadgil was there to tell how useless the model code of conduct was. He was not questioning its desirability. Political hypocrisy would allow no one to question it. Gadgil's attempt was to prove its lack of legal sanction.

About legal sanction, Seshan said in an interview to Blitz: "Does it require a legal sanction to tell you that you should not tell lies? People very often call it 'Seshan's model code of conduct'. I haven't added one word to the model code which was written in 1974 or 1975. They said a new issue has to be printed because we have run out of copies. In the latest print out, below the originally written introduction, instead of some other name, I just said 'T N Seshan'. That is my total contribution to the code."

The legal sanction was, however, what everyone was bothered about.

During the November-December assembly elections, Seshan had taken a firm resolve. The model code of conduct was not a document for decoration. Everyone should abide by it. The Election Commission wrote to all the concerned Chief Secretaries and the Chief Electoral Officers on September 30: "The Commission has directed that it will closely monitor violations of the model code of conduct, instructions on the ban on transfers of officers and payments from the discretionary funds by ministers and other authorities. On your part you are required to keep a close watch on all activities having a bearing on the above and report to the Commission without delay any infractions which occur. Each single violation will be taken as a grave infraction and the Commission will take appropriate action under the law..."

Seshan's firmness yielded results. For once someone seemed to mean business. Those so happily used to flouting the code of conduct realised that it could now be dangerous. One Governor, Kanwar Mahmood Ali Khan of Himachal Pradesh, had to go home after it was found out that he had used or misused his official car when he went to help his son who was a candidate in another state, Madhya Pradesh. Several orders of appointments and transfers and announcements of so-called development projects issued on the eve of the elections were forcibly withdrawn.

There were clever people who looked for ways to circumvent the code of conduct and Seshan's directions. One was Vijayabhaskar Reddy, Chief Minister of Andhra Pradesh. Reddy's relations with Seshan were not entirely cordial. When Reddy was managing Narasimha Rao's elections in Nandyal in 1991, there were complaints from all sides about election malpractices. Seshan's relations with Rao had not ruptured those days. One day he called on the Prime Minister to say that the relations between them at that point of time were only those between the Chief Election

Commissioner and a candidate. "If you don't ensure that there is no ground for such complaints, I will have to fall back on the book," Seshan told him.

Rao won by an embarrassingly large margin. Looking back to those days when stories of abduction of a candidate and other malpractices were legion, Seshan would say that Rao's margin was indeed embarrassing. No one in India had ever won such a majority. Narasimha Rao who had often found it easier to win a seat from another state was setting a record of sorts in his home state. Rao was also conscious of such complaints when the campaign was under way. "I need someone to save me from my own friends." Seshan remembered Rao tell him something like that. One friend was Vijayabhaskar Reddy; another was Janardhan Reddy.

Later Vijayabhaskar Reddy had problems when it was time for him to get elected to the assembly in Andhra Pradesh where he had become the Chief Minister in the wake of factional feuds in the state Congress and corruption charges against Janardhan Reddy. Seshan took the view that the date of election in the constituency where he was contesting could be fixed only after the completion of the ongoing revision of polls. Reddy had fulminated against Seshan. If poll revision went on for long delaying the byelection, he would be out of job. It was only natural for him to fulminate. There were anxious moments but finally elections were held just on time for Reddy to retain his position.

When it came to the Kurnool Lok Sabha byelection in which Reddy's son was a candidate, there was pell-mell. There was a meeting between Reddy and Seshan in Hyderabad. It was perhaps a meeting of the shortest conversation Seshan had ever held. Perhaps Reddy too. It was also a meeting with the fewest words spoken: twenty-eight words between the two participants.

The Chief Election Commissioner had gone there on a routine visit when the Chief Minister desired to see him. Reddy, a usually amiable man, was grim when Seshan walked in. "We will see that the elections in this state are fair." Seshan's reply: "I understand, sir." Minutes of silence. Reddy looked up, down and sideways but not at Seshan. When silence became oppressive, Seshan said: "If there is nothing else to discuss, sir, I may be permitted to leave." And he left.

Shortly before the Kurnool election, there were some announcements of development programmes which Seshan thought was a violation of the code of conduct. Knowing as he did what Seshan could do, Reddy decided to fight it out in the Supreme Court. Every possible argument was invented to buttress the state government's argument. The thrust of the case was that the Election Commission's directions based on the code of conduct would take effect only from the date of notification of an election, not its announcement. The case came up in the Supreme Court in the first week of April 1994.

Something had happened in the meanwhile which tended to deflect the course of the case. It was a Seshan function in Bhubaneswar on April 2. The hosts, members of Orissa's IIPA branch, were themselves the chief guest's target when he spoke. "He said IIPA's Orissa branch had made itself a laughing stock by not condemning the incident in the state secretariat last year when the Chief Secretary was roughed up," reported UNI. Bureaucracy was, he reminded his audience, no longer the steel frame but a bamboo frame with white ants inside.

It was a typical Seshan speech. Wit, humour, sarcasm and outright denunciation. No one was spared. The moral rot: that was Seshan's self-same subject. His language tended to be bad and, then, there was a ready explanation: He was using "bad language" to wake up the people to the reality of political corruption. "If electoral corruption is allowed a free run, India may turn into another Bosnia, torn by civil war within the next decade."

He would often employ a soccer metaphor when he referred to his role as the Chief Election Commissioner. "Don't ask me why I am blowing my whistle. I will, even if the player is Pele or Maradona." The soccer metaphor came to him easily though he had never played football in his life. As an afterthought, that usual refrain of his speech, a Hindi sentence with a tinge of unconcern, would be repeated: "Mujhe kya lena dena?"

Was he not fighting a lonely battle? "I am suffering from the loneliness of a long distance runner." Would he like to be the President: "I don't like to be the president even of Bhubaneswar Rotary Club." Politics? "The only party to which I belong is my wife's. We have a coalition against the world." When he said "budgets are passed without quorum with a sleepy minister on roster duty and confidence motions are won with filled suitcases," applause was predictable.

Applause was not what was in store for him the next day. A part of his speech was misreported, according to Seshan, deliberately. His theme was the moral rot in every walk of life. There was not a word spoken on the judiciary in what he said, as video-recording of that speech proved later. But a news agency introduced in its report something misquoting him, something that was to annoy the Supreme Court: "Mr Seshan expressed concern at the deterioration in the standards of the executive, legislature and the judiciary..." The words he had not said, the intentions he never had, were attributed to him and duly brought to the notice of Justice J S Verma and S P Bharucha when they were hearing the Andhra Pradesh government's petition a day later.

The court's reaction to that report, misquoted as it was, was sharp. It made good newspaper copy, at Seshan's expense. That was not the first time he found newspapers getting him wrong. The court's observations were highlighted by one newspaper, Pioneer, in a box: "This person seems to have lost his balance. He should keep his mouth shut if he does not know how to talk. He is talking too much and whatever comes to his mouth, he says...If he continues to overstep his limits, we know how to deal with him...The less he talks outside, the better it will be for him..."

This was all not part of the court's order. The court, after all, could not perhaps have wanted to lay down in precise terms how much or how little a person should talk. Loquacity or reticence might not be a court's concern unless of course it involved contempt of court or violation of any law. The Constitution does not prescribe the length of a sentence or the number of sentences a citizen may speak.

There was nothing of that kind in the written order of Justice Verma and Justice Bharucha. Seshan's tendency to speak too much was not its subject. The order confined itself to the powers of the Election Commission to take action whenever it detected any violation of the model code of conduct. It also dealt with the question of the legal validity of the code of conduct on which Congress spokesman Gadgil had long ago pronounced a categorical judgment.

Gadgil had said it had no legal sanction and it was not binding on any party. Justice Verma and Justice Bharucha were not as categorical. They felt that "as for the model code of conduct framed by the Election Commission and sought to be enforced by it to the extent, if any, it be beyond the strict requirements of statutory provisions, legal effect thereof has to be considered and decided. For this reason, we refrain from expressing even a prima facie opinion on this...In the event the Election Commission is of the view that any activity of the state government is in breach of the requirements of the model code of conduct and is liable to be visited with legal consequences at the hands of the Election Commission, the Election Commission would be at liberty to seek necessary directions from this court instead of taking any such action straightaway."

The day after the Supreme Court's observations came, there was a function in Vithalbhai Patel House where Seshan was to release a book on the late CPI leader, C Achutha Menon. Photographers had turned up in plenty to capture Seshan's crestfallen countenance. He seemed to censor even his face, making it difficult for cameramen to focus. When he rose to speak, it was all over in less than two minutes. He had decided to "shut up". To newsperson's questions, he had an unvarying answer: "No comments". To avoid monotony, he would say: "Mum is the word." Or "I'm blanked out."

It is usual for the elite to enjoy seeing someone who is in the limelight because of his moral indignation being snubbed by anyone in authority. Several newspapers liked to hear Seshan being asked to shut up. Business Standard wrote: "Many will rejoice at the sharp slap administered by the Supreme Court on Mr T N Seshan's wrist. The feeling had grown that the Chief Election Commissioner was growing too big for his boots and that he needed to be taken down a peg or two...The court's strictures will not deter him, but they could make his actions less public." Then there was that inescapable note of editorial blandness: "Whether politics will gain from it or lose remains to be seen."

Among those who rejoiced over that "deserved reprimand" were Vijayabhaskar Reddy and V N Gadgil. They were ecstatic over what had been done to Seshan and voiced their feelings openly. The Supreme Court was annoyed. It held a special sitting to admonish Reddy and Gadgil. Reddy's advocate was told: "If this is the perception of your client, we may even be forced to ask the Election Commission to take its own stand on the issue with respect to the coming byelections. This court can also dismiss the state government's petition."

What was more, Justice Verma and Justice Bharucha decided to say a good word for Seshan. "The CEC is a high constitutional functionary and whatever he is saying may not be wrong. In fact, if the code could have been enforceable, it would have been an ideal situation...The court is still to examine the legal status of the code..." Later while disposing of the petition, the court said: "The writ petition does not dispute either the desirability of the provisions of the model code of conduct or the requirement of following the same or its enforceability from the time of the issue of the said notifications."

Seshan was winning a point. He recalled what a trusted astrologer in Madurai telling him years ago. There would be occasions when he might look beleaguered by inimical forces. Such moments of stress would only be a prelude to a period of renewed strength. Seshan decided to push ahead with his package of poll reforms which he instinctively knew would make sense to the people. He also relished the thought that it would be uncomfortable to professional politicians.

Among those who were uncomfortable was his old teacher and friend, Subramanian Swamy, who was also instrumental in making him the Chief Election Commissioner. Swamy could have forgiven him for standing between him and India's prime ministership. After all, Rajiv Gandhi might not have really meant to make Swamy the Prime Minister. If Gandhi had, he would not have changed his mind just because Seshan said Swamy was not mature enough to hold that job.

Swamy was furious when he saw that Seshan's actions and intentions could affect his politics and position. A relationship of suspicion began to take shape. So much so that Swamy did, Seshan was sure, several things to show him in bad light. One occasion was when Seshan took a plane of an industrial house, Ambanis, for a private trip. It was Swamy who had arranged it; once it was arranged, the word went round in media circles.

Seshan was in Thiruvananthapuram, attending a voter awareness meeting, when the Paramacharya of Kanchi died. He felt an unusual sense of loss. The Paramacharya was a polestar to whom he turned in moments of self-doubt. With the news of the saint's death came a demand too. Jayendra Saraswati and Vijayendra Saraswati, senior and junior disciples of the Paramacharya, were both insistent when they rang him up. He should be available in Kanchi for help as early as possible. Somebody had to be on hand for crowd control when the last rites were performed. Constables were not welcome in the precincts of the monastery.

There was no way to reach Madras from Thiruvananthapuram on time. Indian Airlines's Madras flight had left. The next day's flight would take Seshan to Madras long after the event was over. There was a mention of a special flight but it did not work out. That was when Swamy was in touch with him. Swamy suggested an Ambani plane. Dhirubhai was himself on the line. There was one aircraft somewhere around which could fly Seshan to Madras. He agreed on the condition that the extra cost would be taken from him.

When the next day's newspapers wrote about it, making out Seshan's act an indiscretion or offence, a dark thought about his old teacher was crawling in Seshan's mind.

Such a thought stung him again some months later. Swamy's party had put up a candidate in Mylapore in Tamil Nadu where a byelection was under way. Swamy had predicted his party's victory, quite seriously. In the tedium of politics, such occasional predictions are what provide fun. Swamy went to Seshan not to have fun; he had a complaint about impersonation, open ballot boxes and other malpractices in the election. Chief Minister Jayalalitha's AIADMK, Swamy alleged, had rigged the election and therefore it should be countermanded.

Deputy Election Commissioner Viswanathan was drafted for an inquiry. His brief was that Seshan's personal relations with Swamy should not even remotely influence his decision. When Viswanathan went about his job, he saw that Jayalalitha's candidate was so far ahead and Swamy's so invisibly behind. Even if all the doubtful ballots were counted in any other candidate's favour, AIADMK's nominee would win hands down.

The result had been withheld. As Viswanathan was busy with his inquiry in Madras, Seshan was being pestered in New Delhi, AIADMK's leaders calling him at all odd hours, Swamy visiting him to press his point. Finally, when the result was declared, Swamy's party was nowhere. His game lost, Swamy stood up, quivering with rage. While storming out, Seshan's old teacher stopped at the doorstep and shouted: "I will teach you a lesson." Swamy's old student was then unlearning a lesson.

One way he took to teach Seshan a lesson was to publish a pamphlet. It was sensationally titled: "Seshan Unveiled". Another way was to address public meetings. When it comes to vituperation, Swamy has no match. The fault he sees in Seshan is that he plans to be India's "President and Prime Minister combined." Swamy is now busy campaigning against Seshan. It is a campaign for impeachment. Quite appropriate that such a campaign should be renewed by Swamy when others who started it have long dropped it.

Swamy had reason to be angry. Forget the prime ministership and the mess in Mylapore. All that would not have perhaps mattered much if Seshan had not set out on a course of reform that threatened Swamy's Rajya Sabha membership. Was he ordinarily a resident of the state from where he had been elected? When Seshan posed that question Swamy was angry. So were many others. Manmohan Singh, Dinesh Singh, H R Bhardwaj, R K Dhawan, O Rajagopal, I K Gujral, S R Bommai and many others.

20

A Bill Named Seshan

When Chandraswamy called him one day, Seshan suddenly thought of the other Swamy, his old teacher. It was a pointless comparison. Yet he found himself mentally comparing Subramanian Swamy with Chandraswamy.

One is in the business of politics, the other in the business and politics of spiritualism. Chandraswamy, whom Seshan has known for several years, is a saint of sorts who dabbles in the affairs of political parties and governments. When he is not lost in some political intrigue or some mega-deal in business, he talks about scriptures. That is not exactly an agreeable image.

How about Seshan's old teacher? His party is no great political phenomenon. Yet his clout is so great. So much as to make Rajiv Gandhi think of him as possible prime minister material. So much as to let an impression go round that he was the master operator who arranged the defection of some MPs to Narasimha Rao's party in an hour of crisis. Whether his party is big or small, Subramanian Swamy is affluent enough to buy bungalows for his outfit in Dehra Dun or Madras or wherever he feels necessary/possible.

Seshan pondered over the degeneracy of politics for a moment when Chandraswamy's call came on a Friday afternoon in late July 1994. The spiritual dealer was, this time round, cast in the role of a mediator. "Can we have a dialogue with PM?" he asked. It did not take a moment for

Seshan to grasp the import of that overture or the direction from which it came. Dialogue gives birth to wisdom. Vaade vaade jaayate tatvachinta. That Sanskrit saying was on his lips when he said: "Why not?".

A day later Seshan met Rao. One message rang out of that meeting which went on for about an hour: Let bygones be bygones. The cliche was appropriate. So much had happened between that meeting and their previous meeting a year ago, to be precise, on July 21, 1993. It was not easy to let bygones be bygones.

Then they met again. A longer talk, a signal of amity. Amity could come only if several court cases in which the Government and the Election Commission had engaged themselves as carping adversaries were sorted out. No, amity could not come through courts; it would come if only the two of them decided to bring it, Rao seemed to suggest.

When he was back home, Seshan sat on his saffron carpet, legs outstretched, sipping black tea, fiddling with a phone receiver— and recalling all that had happened in three years. He did not seem to see Jayalakshmi who walked in and out of the drawing room. She knew that it was not the time to ask him anything. Memories crowded his vision.

It would have all been so different if Rao had said "yes" then, long ago. He had just risen to prime ministership, so unexpectedly. Seshan told him at one of their earliest meetings that he would like to go home. It would have all been different if the Paramacharya had not said "no" to his leaving, if that New York outlet had taken effect.

Someone high up in the UN hierarchy had called him one day in 1991 to make an incredibly attractive suggestion. The proposal was that Seshan could become the Deputy Secretary General with all departments of development administration under him. Two lakh dollars as salary, an executive aircraft for personal use and so on. Seshan was impressed. Jayalakshmi considered packing all their things.

Seshan had only one person's permission to seek. He went to Kanchi and sat at the feet of the Paramacharya. After some minutes of silence when the Paramacharya sat in what looked like a mood of incomprehension, he made an almost nasal sound that meant "No". No, with utter finality. No questions asked, no clarifications given. That was the end of that would-have-been assignment.

Seshan and his friends decided to find out why the Paramacharya took that position. The only way to know his mind was perhaps to consult Namboodiri of Guruvayur in whose astrological skills and clairvoyance everyone had trust. Seshan was to go to him along with some friends but every time their travel plan was ready, it had to be dropped for one reason or another. When they were really going to make it to Guruvayur at last, Seshan's friend in Madras was suddenly summoned to Kanchi.

The Paramacharya jolted him by a question. Was he going to Guruvayur? To find out why the Paramacharya had told him what he did? No, give up the plan. Ask Seshan to come down to Kanchi. When he went, he sat with the saint for five long hours, with not a single word being spoken. Seshan did not dare ask any question. As time crawled on beyond five hours, the Paramacharya dismissed Seshan with a silent gesture, full of visible affection. Then he knew that it was pointless pursuing the UN offer.

When he settled down in Nirvachan Sadan, he felt it would be worthwhile wading through the muddy election statutes. Many before him had done so and presented a package of reforms in their times. Electoral reforms were always an engaging subject of discussions in political salons and bureaucracy's clubs. Reforms, essential reforms, were, however, sought to be restricted to discussions. They were not often meant to be carried out.

There were the Election Commission's annual reports. Besides them, a package of reforms in the form of a bill was presented to the government in 1972 when S P. Sen-Verma was the Chief Election Commissioner. A joint select committee of Parliament studied it and a bill was ready for adoption. It was introduced in the Lok Sabha in 1973 but it could not be adopted. The Emergency followed. When the Lok Sabha was dissolved in December 1976, that bill was still on the agenda.

S L Shakdher when he was CEC, also sent a set of reform proposals in 1977. The government was then busy saving itself. Before it could look at Shakdher's proposals seriously, it fell. R K Trivedi and Peri Sastry also gave their own suggestions. Some marginal amendments to the statute were brought in from time to time but comprehensive reforms were what no one seriously desired. The late Dinesh Goswami, who was the Law Minister in 1989-90, headed a committee which came up with its own proposals.

And then Seshan also sent his. The "comprehensive proposals of the Election Commission" were sent to Prime Minister Rao on February 10, 1992. The Prime Minister had other preoccupations.

Official unresponsiveness hurt Seshan no less than the enormity of the fraud and the hypocrisy of Indian elections struck him. As he went along, he found himself getting involved in lonely attempts to give life to dead electoral laws. Comprehensive reforms had to come from Parliament which was always busy with one more pressing problem or another. The Chief Election Commissioner's function was limited: run the election machinery in accordance with the existing law of the land.

As a first step, he sought to restore to the Election Commission the powers conferred on it by the Constitution. When he asserted, the government was angry. When he pointed out that the first pre-condition for a "free" election was to enable people to vote "freely", with an adequate security contingent everywhere to ensure their security, his powers were questioned. It seemed to suit politicians to let things go the way they were going.

The model code of conduct was something everyone regarded as an encumbrance. When it came to observing it, it was, as the venerable V N Gadgil put it, a document without legal sanction. Gadgil's tribe was up in arms when Seshan took up something whose legal sanction even Gadgil could not possibly question. That was an issue which hurt, first of all, Seshan's old teacher, Subramanian Swamy. Like Swamy, several great men had found their way to the Rajya Sabha from states with which their connection was no more than that they might have been there once or twice for their honeymoon or some other less romantic purpose.

The Rajya Sabha being the Council of States, no one can be its member if he is not ordinarily resident in that state. The idea is that the states should have a role in the governance of the "Union of States" that India is. Without that stipulation of residency, it is conceivable that people who have nothing to do with a given state can pretend to represent it in the Rajya Sabha.

That militates against the spirit of the theory of representation. That is a distortion of a constitutional intention. Seshan's concern was, however, limited. He was presently bothered about a pervasive violation of the residency clause. It is absurd to say that O Rajagopal is ordinarily living in his party office in Bhopal. It is amusing when Manmohan Singh swears that he resides in Guwahati or when Ghulam Nabi Azad gives an address in Maharashtra and M G K Menon in Rajasthan. If it is a fraud, it is a fraud regularised through years of practice.

When Seshan began to make inquiries as to who was ordinarily a resident where, Swamy was upset. So were others. Swamy quarrelled with Seshan. Some others tried to befriend him. And, some people who had entered the Council of States through states where they had gone only as tourists considered how they could fight Seshan using some crutches of law.

No one really had any defence against Seshan's argument. The only plank of defence was impotent anger. The only justification of the fraud was that it was being done for so many years. It had the sanction of time. It was the

Congress which started it in the hoary past. There was some partyman it had to reward with a berth in Parliament who might not make it in a Lok Sabha poll and who could not be elected from his own state to the Rajya Sabha. Every other party emulated the political leviathan, except the Communists.

"Who is Seshan to question what has been done as a rule down the decades? What does he think of himself?" That voice of pique and insolence was what rose as a shrill political echo of Seshan's words. His detractors were at their old game, the ancient Indian pastime of hunting for motives. He was accused of looking for sticks to beat politicians with whom he had scores to settle. Yes, there was an issue to be obfuscated.

The issue was of perjury. A person who gives a false affidavit, knowing full well that it is false, is guilty. Law provides for punishment. Law is not of Seshan's making. When Finance Minister Manmohan Singh says in an affidavit that he is ordinarily a resident of Guwahati or R K Dhawan, an aide of the Gandhis who turned from secretarial procedures to serious issues of politics, claims a permanent residential address in Hyderabad or Foreign Minister Dinesh Singh swears that he usually lives in a room in the stable of a sarpanch in a village in Haryana, India's voiceless voters must be amused. Democracy becomes low drama.

Politicians, particularly of the ruling tribe, were not outraged. When Seshan pointed out the relevant law and its unabashed violation, they were busy seeking out instruments of defence from the crevices of law. Some like Manmohan Singh went to the court where the case may hang fire for long. There could be an argument that it would not be proved beyond a shadow of doubt that a particular person was not ordinarily a resident of a particular place at a particular point of time. It might also be argued that a person's duly completed election could be set aside only through an election petition.

The poor framers of the Constitution would have never imagined that their document could provide such effective protection for fraud. The ugliness of the fraud still disturbed its defenders. Even as they were hoping to twist law to suit their game, they knew that law forbade it. The best defence, they concluded, would be to change the law that made their game unlawful. A historic strategy took shape in Law Minister Bhardwaj's brain. His own residency was in question too.

A draft bill was in circulation in Parliament in May 1994 bearing the stamp of Bhardwaj's genius. His brainchild had the blessings of most political parties. Some fondled it silently, others with empty lullabies. Not the Left parties. The draft bill sought to drop the restriction on residency when a person is to be elected to the Rajya Sabha. Take away the book of law Seshan was throwing at them: that was the strategy of the redoubtable Bhardwaj.

But for two developments, it would have been introduced in Parliament and pushed through. The government suddenly was not sure that it would have its way. There were the Left parties which openly opposed it, CPI leaders being more vociferous. They had nothing to lose whether the bill was passed or rejected. Others who would have saved some of their Rajya Sabha members with the aid of the crooked law also could not be entirely trusted to help the government. Politically, it would suit them to oppose that favourable piece of legislation and kill the government at one go. Seshan was earning new friends, unexpected, unlikely friends.

When the draft bill was still in circulation, consultations were on at various official and political levels. In a limited sense, it involved the prestige of the government, perhaps its survival. No government with a face to save could hope to continue after that legislative attempt was defeated on the floor of Parliament. In a broader sense, it affected the structure of the Constitution. There were many who discussed its implications and possibilities with Seshan too.

Seshan made two points. One, the draft bill clearly altered the basic structure of the Constitution. The very concept of India as a "Union of States" with a "Council of States" as the Upper House in its Parliament was being thrown overboard. That was something a Constituent Assembly alone could consider. A bill which would knock out the basic structure of the Constitution could not be presented in Parliament. Two, if it was introduced and eventually adopted somehow or the other, it would be challenged by the Election Commission. That too would be a historic, if odious, development.

Bhardwaj's brainchild was abandoned.

Yet there was no answer to the point Seshan had raised, still less any action on it. Truth was caught in a tangle of law. Electoral Registration Officers' action, questioning someone's affidavit of residency and deleting someone else's name from the rolls, was challenged in high courts. Even when a Rajya Sabha member's affidavit of residency is proved false, the Election Commission cannot possibly send him out of the House. This is a grey area in the relevant law and that should help those whose case is weak.

The options before Seshan are limited. He can take up the matter in the court. So can any private citizen. In the course of the predictably prolonged litigation, an MP accused of filing a false affidavit on the basis of which he is elected, may run his full term in Parliament or life. Alternatively, Seshan can submit a memorandum to the Rajya Sabha Chairman pointing out the anomalies detected in the election of some members. With so many people of such diverse persuasions involved, what is seen as a fraud may well receive a seal of approval. Victory to democracy!

The thrust of Seshan's proposals to make elections "free and fair" was that voters should feel "free" to vote and that one voter's ballot would not be cast by another. When goons become candidates and their agents, security for voters is imperative. So is a document to prove every voter's identity. Fraudulence can be curbed only by ensuring that there is no impersonation. When Seshan called for issue of identity cards to voters, there was a cry of alarm. It had a reason: it would be increasingly difficult to manipulate election results.

The reason trotted out was of course different. There was no money to print identity cards. "Thank god, you are not saying that elections should be abolished since there is no money to hold them," Seshan told a Chief Minister who invoked people's will in every other sentence he spoke. Cost was an alibi. Anyone would accept it but Seshan.

He meant business. Barely a month after that extraordinary order putting all elections on hold until the government conceded the Election Commission's powers, Seshan sprung another shock. It was his decision not to hold elections without identity cards for all electors after January 1, 1995. A notification was issued and an elaborate letter sent to all the Chief Secretaries and the Chief Electoral Officers on August 28, 1993. The letter said: "The Commission has decided that no polling at elections for which the Election Commission is responsible for which a poll is taken after 01.01.1995 shall be taken unless all eligible electors have been supplied with identity cards."

That was an act of exasperation. Everyone seemed to skip the issue of identity cards. There is perhaps considerable political mileage to be gained from an election in which the elector's identity is destroyed. Law provides for issue of identity cards. The Election Commission is empowered to direct the government to issue them to all voters in notified constituencies. It had written to the Prime Minister about it in February 1992.

"Despite a lapse of more than 18 months, no decision whatsoever of the government on the above proposal has been communicated to the Commission. There has been total silence. The Commission does not propose to wait indefinitely for the government to arrive at a decision in such an important matter."

Seshan knew he had the instrument of law with him. More, he knew there were people behind him, people who were becoming increasingly suspicious of the moves and motives of most of their leaders. When he acted again, threatening to hold no election after 1994 if voters' identity could not be established in polling stations, everyone sat up. "The fellow is obstinate. He might well do what he says." Slowly, reluctantly, they set about preparing identity cards.

Conferences were convened occasionally to discuss the question soon after Seshan struck a hard posture in August 1993. Those were conferences to conjure up excuses for dithering. But conferences would not satisfy Seshan. When he looked like on a winning spree in June 1994, another conference was convened in late July. It took place a couple of days after Prime Minister Rao sought to break the ice in that meeting arranged with Seshan after an uneasy silence of one full year.

There were those old cries of resource crunch. West Bengal's Communists were particularly perturbed. The last vestiges of revolution may shake if it is no longer possible to construct a majority out of the confusion about the identity of voters. The qualified riggers of Bihar and their political patrons resented the move to issue identity cards to voters. Yet no one could ignore Seshan's writing on the wall. Identity cards would have to be given to all electors if elections are to be held after the approaching deadline. Haryana decided to fall in line. It has already begun issuing identity cards. Smallness of its size is helpful to Haryana. It has proved its willingness too.

The last quarter of 1993 was a frenetic period in the life of the Chief Election Commissioner. As he saw the people's response was overwhelming when he announced one measure or another to cleanse the system, Seshan took it upon himself to curb electoral outrages one after the other. One simple, widely accepted thing he sought to correct was the style of election campaign. He ordered that political parties which splashed their slogans and symbols on private or public walls should wash them off after elections. There was also an effort to regulate the hours when loudspeakers could be used for election campaign.

Politicians murmured protest but obeyed the order all the same. They knew that it had people's sanction. No one liked his walls to be disfigured or nights made noisy. It did not matter whether it was or was not the Election Commission's function to regulate the style of election campaign. Seshan regarded it as his function; he drew strength from his knowledge that people liked to see him perform it. Law is not to wreck people's aspirations but to meet them, Seshan told a young politician who once came to invite him for a social function.

Indian elections are a great exercise of democracy based on a nationwide violation of law. Seshan has often called it a "big joke", "a comprehensive joke". Elections involve a great act of corruption and dishonesty. Profligacy is not as serious a vice. There is perhaps no candidate, winner or loser, who tells the truth and abides by the law when it comes to declaring his election expenses. There are two ways to deal with them. One is to punish those who break the law and tell untruth. The other is to amend the law to make liars honest. Amendment of the law is Parliament's function. His function, Seshan told himself, is to implement the law as it stands.

The law as it stands, Seshan found, is a proverbial piece of inanity. His adjective for it is not "toothless". It is "gumless". He recalled using that gumless law to disqualify 14000 candidates as soon he took over as the Chief Election Commissioner. Their offence was not falsification of documents or exceeding the ceiling of expenses prescribed by law. They had merely avoided submitting returns of expenses.

If they had cared to submit some returns, false or true, showing expenses below the ceiling or above, they would have been safe. There were many brave and honest candidates who had submitted nil returns and proved themselves to be perfectly law-abiding citizens. Whether an election could be won or lost with not a paisa being spent was a pointless question. A candidate was only obliged to submit returns in the prescribed manner. There was no specific provision in the election law to punish them if their expenses were above the ceiling.

Section 77 of the Representation of the People Act, 1951 prescribes that every candidate shall maintain a separate account of his election expenses. Expenses incurred by someone else for a candidate shall not be included in his expenses. Rule 90 of the Conduct of Election Rules lays down the varying limits of expenses for assembly and parliamentary polls. The limits are absurd. No one is supposed to spend more than 1.5 lakh rupees for any election. The ceiling is as low as 50000 rupees in certain cases. If that is strictly followed, there may not be many legislators around.

The absurdity was brought out in a judgment of the Supreme Court in 1993: "The existing law does not measure up to the existing realities. The ceiling on expenditure is fixed only in respect of the expenditure incurred or authorised by the candidate himself but the expenditure incurred by the party or anyone else in his election campaign is safely outside the net of legal sanction. The spirit of the provision suffers violation through the escape route. The prescription of ceiling is a mere eyewash; no practical check on election expenses for which it was enacted to attain a meaningful democracy.

"This lacuna in the law is however for Parliament to fill lest the impression is reinforced that its retention is deliberate for the convenience of everyone. If this be not feasible, it may be advisable to omit the provision to prevent the resort to indirect methods for its circumvention and subversion of the law, accepting without any qualm the role of money power in the elections. This provision has ceased to be a fig leaf to hide the reality."

The fact is that there is no need for even a fig leaf to hide the reality. For, neither that shattering note of judicial cynicism nor Seshan's activism has persuaded the government to throw away the fig leaf or provide something larger and more opaque than a fig leaf to cover its shame. Anything larger is needed only when there is shame to cover. Yet such fig leaf is useful to write good ad copy on India's great democracy and elections and their austerity.

The law has been kept gumless, deliberately. This legal debility compounded by political venality was what weighed down Seshan when he set out to ensure that there was a semblance of control on election expenses. He put out an order in December 1993 wailing that the growing role of money power in elections had reduced the poll process to "a mere farce" placing distinct advantages on affluent candidates.

Much as the law was "gumless", Seshan decided to put it to use with his administrative acumen. He insisted on three things. First, every candidate would submit, along with his return of expenses, an affidavit on oath. Secondly, every candidate should list out all tangible items of election expenditure such as posters, public meetings, gates, arches, cassettes and badges. Thirdly, every district election officer should certify the returns after a formal inquiry.

By each one of these directions, Seshan hoped to achieve a specific objective. It was not the election-related law that he was planning to employ to achieve these objectives. There are plenty of known and unknown provisions in the limitless corpus of Indian law to make every human act and every natural event questionable. Seshan decided to make up that deficiency in election law by invoking appropriate provisions of other laws and rules.

It may not be possible to do a thing against a candidate who files a return showing more than the permitted expenses. But a candidate who gives false information under oath could be prosecuted. That was what Seshan intended to achieve by insisting on a sworn affidavit which could cause a mild embarrassment to the austere and honest candidates. When it was made mandatory to list out all tangible items of expenditure, the scope to deflate the total expenses was narrowed. District election officers would not risk their jobs by certifying what they knew was patently wrong. The result was dramatic in the byelections held after Seshan let it be known that he was playing no indoors game.

Guruvayur, where Seshan often goes for worship of Krishna, wore an appropriate look of electoral austerity when the Chief Electoral Officer visited there when a politically sensitive byelection was under way early this year. There were three Muslims fighting for the assembly seat of Guruvayur where Kerala's most famous Krishna temple is located. There was no dearth of money; nor were the contenders unwilling to lavish it on the devotees of Krishna in and around Guruvayur to score a politico-religious point. No one dared reveal his wealth for fear of Seshan. The walls of Guruvayur were naked, almost like the damsels whom its deity once deprived of their clothes on the bank of that mythical river.

There was another declaration that rattled every moneybag or his surrogate who hoped to buy his way to the assembly or the Lok Sabha. Seshan said he would send special observers to monitor election expenses. Videocamera crew went round several places in many constituencies, recording scenes of ostentatious election melas and technicolour posters and so on. That was all as much a warning to election officers as to candidates.

That was but a warning only. Seshan knew full well that it would not be possible to have a foolproof monitoring of expenses in every constituency. He also knew that he had no power to award a punishment to a candidate who spent one paisa more than the prescribed amount. Parliament had chosen to give him no such powers, remaining content with some platitudinous provisions in the law on election expenses.

In moments of reflection, he was appalled by the futility of his exercise. All that he would be able to do after establishing that a candidate had spent more money than legally prescribed was to take the matter to the court which might take its own time resolving the legal tangle. Even if a legislator was found guilty of falsification of accounts, he might not be unseated. The law had been left vague and weak, perhaps deliberately.

As he told a young questioner at a small college function, democracy is not born in courts. It rises from the will of the people. Courts only fortify it. How many profligate candidates can the Election Commission take to the court? One, ten, hundred. Not many more. Nirvachan Sadan cannot possibly be made what a brilliant advocate of a delinquent candidate may describe as a vexatious litigant. That was a dark possibility of which Seshan was as well aware as every clever candidate or would-be candidates.

Yet he pushed on with his plans, much like Nachiketa who, determined to see the face of truth, kept on questioning the deity of death about the ultimate reality. His moves had salutary effects. The people in power suspected that he was posing a threat to the system which let them live and thrive, singing songs of democracy and invoking the distant people's will. He had to be defeated. An action plan to defeat Seshan was being devised when he went about making candidates feel the need to abide by law.

New flowers blossomed in Bhardwaj's brain. The law that enabled Seshan to question or curb a fraud so widely practised should be scrapped. The two Election Commissioners who had been appointed to outsmart Seshan had to be galvanised into action. Gill and Krishnamurthy had lapsed into a state of atrophy in Nirvachan Sadan ever since their coronation. The Supreme Court had recognised Seshan's powers. The government's brave moves to rob him of those powers had backfired.

Gill had once gone on long leave, sharing with the world his torment and ennui. He was going to till his land and grow wheat and mustard and potato, Gill told the world in a news release. Such great resolutions as on going on leave and growing potato had never before been the subject of a press release. Krishnamurthy had decided to stay on, whiling away his period of unemployment in Nirvachan Sadan, without ever risking another encounter with Seshan.

That was when Bhardwaj came up with a new proposal to activate the two idle Election Commissioners whom the government had abandoned as orphans in Nirvachan Sadan soon after their appointment. Bhardwaj owed it to them to nurse them back to strength and arrange an ultimate fight with Seshan. His Operation Seshan, widely welcomed in ruling circles or recognised as a political compulsion, took the form of two bills. One sought to amend the Representation of the People Act and save Rajya Sabha members whose residential status had been questioned. The other was to change the Constitution in such a manner that Seshan would lose all his relevance. Appropriately, it came to be known as the Seshan Bill.

As his historic legislative moves went on during the budget session of Parliament in 1994, Bhardwaj earned another distinction. He was to take his position in history's hall of honour as a minister who could not introduce in Parliament his own mindchild. The mindchild was still born. No, it was not even born.

There were warlike preparations in May. V C Shukla, Minister for Parliamentary Affairs, kept on holding consultations with everyone available, his partymen, opposition leaders and legal pundits. The consultations were rounded off with Shukla's request: Please help the government to paralyse Seshan. Not many opposition parties were anxious to oblige him on his terms.

The Seshan Bill, they were told, was being brought in deference to their wishes. Bhardwaj's reason for coming up with that bill, as he stated, was: "There has been persistent demand from all political parties for making the Election Commission a multi-member body." So it was a bill being brought for their sake, not the government's. When it became law, introducing a new sub-section in the Constitution, Seshan would be nowhere. Gill and Krishnamurthy would be able to pull it off at long last, after a period of supreme inactivity.

The new provision was: "The Election Commission shall make regulations for the more convenient transaction of its business and for the allocation among the Chief Election Commissioner and other Election Commissioners of the said business.

"The business of the Election Commission shall be transacted by the Election Commission as a whole and if the Chief Election Commissioner and other Election Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority."

There was something else the government did not trust even that "majority" of the Election Commission to ensure. It suspected that Gill and Krishnamurthy's able presence in Nirvachan Sadan might not be adequate to stall the issue of identity cards. So Bhardwaj resorted to an absurdity when he mooted an amendment to the Representation of the People Act. "It is proposed to insert a new section 28A in the 1950 Act to empower the Election Commission to direct, WITH THE PREVIOUS APPROVAL OF THE CENTRAL GOVERNMENT, that identity cards be issued to the electors in constituencies or parts thereof as may be specified and in such manner and containing such particulars as may be prescribed."

That was an extraordinary empowerment. The Election Commission would have the power to issue directions. Only that it should seek the approval of the government. Someone not initiated into the eerie world of legal obfuscation like Bhardwaj would have put it differently. It could have been an honest statement that the government would take the decision and Nirvachan Sadan could communicate it to those concerned as its own decision. No one normally likes to own others' babies. Seshan never.

When Shukla and Bhardwaj and company were scouting for support for their Seshan Bill in April-May, Seshan was telling students and elders, teachers and lawyers and politicians in various parts of the country how elections had been reduced to a sham. He never mentioned a word, publicly, about the bill people had named after him. Such mentions were confined to drawing rooms. He talked to everyone who wanted to talk to him, everyone who had to be informed about what was being perpetrated on the nation. He would often employ the Malayalam saying: "Don't burn down your house to kill a mouse."

Politicians of all persuasions, whose relations with him had fluctuated over time, were in touch with Seshan. Even middle-level leaders of the ruling party sought his views, if secretly. Jyoti Basu who was not exactly keen to have identity cards for electors also wanted to have a word with him. There were signals that Jayalalitha who had resented some of his moves earlier would not go the whole hog with the government when it was out to paralyse him. V P Singh conveyed to him his feelings one day: "I regret I had seen things differently some time ago."

Shukla saw that things were not smooth. CPI leader Indrajit Gupta openly said, much to the dismay of Seshan-baiters in his crowd, that his party would not back the move to make the Rajya Sabha a replica of the Lok Sabha. Janata Dal leaders wanted to take away the ruling party's powers to influence the constitution of the Election Commission. The Commission should be chosen, they argued, by a committee of the Chief Justice of India, the Lok Sabha Speaker and the Leader of Opposition. The Election Commissioners chosen by such a committee might not necessarily be agreeable to the powers that be. BJP leaders let it be no secret that they would not back the Seshan Bill.

The bill was fated to fail if it was introduced. To escape failure, its introduction was postponed. A special session was fixed for June to adopt it. For some reason, the date was June 13. By then, Bhardwaj would have assumed, a new strategy would erupt in his brain to break Seshan's will power and buy parliamentary support.

When members assembled on June 14, Bhardwaj withdrew what would have been his monumental contribution to Indian jurisprudence. A historic opportunity to make Indian Parliament adopt the world's first bill named after one individual was lost.

In his quiet Pandara Road residence, barring those inevitable constables of the Indo-Tibetan Border Police, Seshan had no one to keep company when Bhardwaj was braving Parliament. He was browsing through a dishevelled copy of My Experiments with Truth which he remembered reading when he had not yet entered service. When someone phoned up to break the news of Bhardwaj's debacle, Seshan mumbled: "God's will has prevailed."

Afterword

There was a glow of victory on his face. A battle had been won without his fighting it. Everyone could have ganged up and adopted that glorious bill, if with a pointless change or two in its terminology. Some fragile opposition minds could have been twisted to earn support for it. The government could have thus pushed it through.

What was he then to do? Should he remain in office to record a useless note of dissent when the Election Commission reversed his orders? Would he rather oblige the powers-that-be by quitting like a celebrated loser?

Seshan had not decided what he should do. He did not know what he would do. Much as he was wont to see what lay in the womb of time, he chose, for once, not to peep. He preferred to wait.

When Bhardwaj ran away from Parliament with all those crumpled papers which were intended to alter the shape of the Constitution, there was reason for Seshan to rejoice. He merely allowed himself the luxury of a smile.

He was smiling when a big leader from Andhra Pradesh came. They had known each other. The leader was into every public activity. Politics, films, liquor business, everything. A light-hearted banter followed. An occasional reference to the efflorescence of culture in Telugu Desam, a fleeting word about Narasimha Rao, a casual mention about the cost of election.

The leader had found his way to Parliament. He had bought it. He spent what he considered was a fairly large sum to please his voters. It was a little above the prescribed ceiling. The expenses, he mentally estimated, would have come to Rs 8.5 crore. The leader thought nothing of it.

Seshan did. He saw the leader's huge body, wrapped in the colour of truth, sinking into the saffron sofa. The harmony of colours struck Seshan. He was silent. He knew what the leader knew. The leader knew that there was not a thing Seshan could do about it.

The conversation ended. It had been more than banter. When the leader lifted his bosom from the sofa and rolled out through the drawing room doors, folding his hands in a gesture of absolute humility, Seshan had that great national motto on his lips: satyameva jayate.

Appendix 1

The ultimate order. Seshan issued it on August 2, 1993, when he felt the Election Commission was being irrevocably reduced to an appendage of the Central Secretariat. Following is the text of that order:

1. Under Article 324(1) of the Constitution of India, the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under the Constitution are vested in the Election Commission of India.

2. Article 324(6) of the Constitution expressly provides that "The President, or the Governor . . . of a State, *shall*," (emphasis provided) "when so requested by the Election Commission, make available to the Election Commission . . . such staff as may be necessary for the discharge of the functions conferred on the Election Commission by" the above mentioned "Clause (1)".

3. The Election Commission has been discharging its functions conferred on it since the day it was constituted on the 25th January, 1950 after noon. It has already conducted ten general elections to the House of the People and innumerable general elections to the Legislative Assemblies of various States apart from the biennial elections to the Council of States and the State Legislative Councils, as and when the same became due. Similarly, the Commission has conducted elections to the offices of President and Vice-President on their becoming due. The number of bye elections to the two Houses of Parliament and to various State Legislatures is very large.

4. As mentioned above, the Constitution has entrusted the sacred task of conducting elections to the Election Commission. There is no independent electoral machinery provided to the Commission for the discharge of its functions. The Constitution has, however, cast an obligation on the President and the Governors of the States to provide such staff as may be required by it for the discharge of its functions. The Commission, therefore, consults the Government of India and the Government of the State concerned when it decides to hold any general or bye election to assess the state of preparedness of the State machinery to conduct the election as it is that machinery which the Commission has to utilise for the purposes of the conduct of elections. The Commission gives due weight to the views expressed by the Government of India and the Government of the State concerned and, as far as possible and practicable, tries to accommodate the views of those Governments if found reasonable.

5. The Election Commission issued a Press Note on the 19th January, 1993, announcing that bye elections in three Parliamentary and fourteen Assembly Constituencies in the States of Andhra Pradesh, Bihar, Gujarat, Haryana, Kerala, Maharashtra, Punjab and Tamil Nadu which were vacant and not affected by any court proceedings and for which the finally published electoral rolls were either ready or would be ready before the end of February, 1993, would be held in the first week of April, 1993. The exact programme for those bye elections was to be announced in due course. The Commission received representations from some States that bye elections from certain other constituencies which were also vacant and were not affected by any court proceedings might also be held along with the bye elections for the aforementioned vacancies. The electoral rolls of these constituencies were then under intensive revision and were due for final publication after such revision on 9.3.1993. Therefore, the said representations amounted to request to postpone the bye elections which were scheduled to be held in April, 1993 to some later date. In addition, representations were also received that the Commission may keep in mind the examination schedules of schools and colleges while finalising the programme of the bye elections.

6. The Commission considered the above requests of the State Governments reasonable and decided to hold all bye elections from

the constituencies which were not affected by any court proceedings in the month of May, 1993 instead of in April, 1993 as originally proposed. In the case of two vacancies in the Andhra Pradesh Legislative Assembly, the Commission, however, decided, at the request of the State Government, to hold the bye elections in April, 1993 itself as the Commission did not want to stand in the way of an opportunity being provided to Shri Vijaya Bhaskara Reddy to contest election from any constituency in the State of Andhra Pradesh before the expiration of the period of six months after his assumption of office as Chief Minister of Andhra Pradesh. Even the programme for the intensive revision of electoral rolls in the State of Andhra Pradesh was revised so that the finally published electoral rolls of all constituencies would be available on 24th February, 1993, instead of 9th March, 1993 as originally scheduled.

7. In pursuance of the Commission's decision to hold the above mentioned bye elections in the month of May, 1993 (except for the two bye elections to the Andhra Pradesh Legislative Assembly held in April, 1993, as aforesaid), the Commission announced through its Press Note dated 6th April, 1993 that bye elections from four Parliamentary Constituencies and twenty Assembly Constituencies in different parts of the country in the States of Andhra Pradesh, Bihar, Gujarat, Haryana, Karnataka, Kerala, Maharashtra, Orissa, Punjab and Tamil Nadu would be held on 19th May, 1993. These bye elections included, among others, the bye elections to the Maharashtra Legislative Assembly from 25-Chinchpokli and 28-Parel Assembly Constituencies in Bombay. The Government of Maharashtra stated in their letter Number CS-1093/61/D-1 dated the 19th April, 1993 to the Commission that in the context of the series of bomb blasts in Bombay on 13.3.1993 the State Government was getting more and more evidence of conspiracy hatched to provoke communal holocaust and that they had been able to locate large amounts of arms, ammunition and explosives including RDX and that the conspiracy could not be ignored in terms of the possible mischief and danger of breach of peace on sensitive occasions. The State Government further stated that in their assessment it would be in public interest if bye elections scheduled for 19.5.1993 from 25-Chinchpokli and 28-Parel Assembly constituencies in Bombay were postponed to a later date. The Commission considered the above recommendation of the State Government

reasonable and accepted the State Government's recommendation to postpone the bye elections from the said two constituencies. Accordingly, the Commission by its notifications dated the 20th April, 1993 rescinded its notifications dated 19th April, 1993 whereby the said two bye elections had been called.

8. Further, the abovementioned bye elections included, among others, the bye elections to the House of the People from 8-Ottapalam (SC) Parliamentary Constituency in the State of Kerala and 22-Palani Parliamentary Constituency in the State of Tamil Nadu. The Chief Secretary to the Kerala Government vide his letter Number 22779/SSA/3/93/Home/5593 dated the 5th May, 1993 brought to the notice of the Commission the report of the Inspector General of Police (Intelligence) on law and order incidents in the State, according to which, a number of communal incidents had taken place in the areas in Ottapalam (SC) Parliamentary constituency and nearby places in the aftermath of the Ayodhya issue. According to that report frequent clashes had taken place between the Rashtriya Swayam Sewak Sangh/Bhartiya Janata Party and Communist Party of India (Marxist) either of political or communal nature and that the Hindu-Muslim divide had widened after the communal rioting which would have serious ramifications on the bye election in the said constituency which has a sizeable Muslim population. The Kerala Government requested the Commission for the postponement of the poll which was scheduled to be held on 19.5.1993. The Government of India in the Ministry of Home Affairs vide D.O. Letter Number 1802/SS(CS)/93 dated the 7th May, 1993 also confirmed the perceptions of the State Government that the conditions obtaining in the said Ottapalam (SC) Parliamentary constituency would not be conducive for holding a peaceful, free and fair poll and endorsed the recommendation of the State Government to postpone the bye election. The Commission accepted the recommendation of the State Government and the Government of India and by its notification dated 8.5.1993 postponed the date of poll for the bye election in the constituency from 19.5.1993 to 19.8.1993 in the interest of a peaceful, free and fair election.

9. In respect of the bye election from 22-Palani Parliamentary constituency in the State of Tamil Nadu the Commission received reports that acute drought conditions were prevailing in the State including the areas of the said Parliamentary constituency and that

the district administration was fully engaged in relief operations and that the State Government was required to do much more in the areas in the Palani Parliamentary constituency to alleviate the drought situation where only a beginning had been made. The Commission considered that the holding of the poll in the constituency on 19.5.1993 as scheduled would seriously disrupt and adversely affect the relief operations being undertaken by the district administration and the holding of poll in such a situation would neither be desirable nor in the interest of general public and the electorate of the constituency. Therefore, the poll in the constituency was also postponed from 19.5.1993 to 19.8.1993 by the Commission's notification dated 8.5.1993.

10. On 22nd July, 1993 and 27th July 1993 the Commission has announced another round of elections from one Parliamentary Constituency and eleven Assembly Constituencies in the States of Andhra Pradesh, Gujarat, Karnataka, Maharashtra, Punjab, Tamil Nadu and West Bengal, as the Commission's endeavour has always been to enable the constituents to elect their representatives at the earliest available opportunity. These bye elections are scheduled to be notified on 3.8.1993. Here again the Commission has acceded to the requests of the State Governments of Punjab and Karnataka not to notify the bye elections from the two Assembly Constituencies of 35-Nakodar and 20-Ajnala in the State of Punjab and one Assembly Constituency of 149-Baindur in the State of Karnataka. The Government of Punjab has requested for the postponement of the bye elections in the State on the ground that the entire State Government machinery will remain preoccupied in the relief operations due to the recent very heavy floods which have devastated the entire State including the constituencies from where the bye elections have been announced. The Government of Karnataka has also requested the Commission for postponing the bye election on the ground that the rainfall in the area concerned is extremely heavy in the months of June to September.

11. It will be evident from the above that the Election Commission has always been working in a spirit of cooperation with the Government of India and the State Governments wherever it has found their views and recommendations reasonable and in the interest of free and fair elections. It has, however, refused to compromise its constitutional position whenever any Government,

regardless of the complexion of the party in power, has indulged in any activity whereby the conduct of peaceful, free and fair elections has been adversely affected. It did not hesitate to postpone the entire general election in the State of Tripura where the conduct of peaceful, free and fair election was being jeopardised by the overt and covert actions of the State Government and the members of the ruling party at the Centre with the active assistance of some errant officers with misplaced zeal. Again, the Commission rescinded the bye elections from 1-Kalka Assembly Constituency in the State of Haryana and 34-Ranipet Assembly Constituency in the State of Tamil Nadu for blatant violations of the Model Code of Conduct by the Chief Ministers of those States. Keeping the paramount consideration of the electorates being given an opportunity of electing their representatives by peaceful, fair and free elections at the earliest possible time, the Commission has already completed the bye election from 1-Kalka Assembly Constituency in Haryana in July, 1993 and has again notified the bye election from 34-Ranipet Assembly Constituency in Tamil Nadu on 20.7.1993, for the poll to be held on 19.8.1993.

12. Free and fair elections are the corner-stone of democracy on which the whole edifice of all democratic institutions are founded and built. Democracy, and thus free and fair elections, are a part of the basic structure of the Constitution of any democratic country. In every democracy the conduct of elections is the largest single event involving mass participation in public affairs. Faith in the purity of the poll process has, therefore, to be upheld as the hallmark of the entire electoral exercise; and this faith can be generated and preserved primarily by the impartial and unbiased conduct of the personnel who conduct the elections.

13. It was with this avowed purpose of translating the abovementioned faith of the people into reality that the Election Commission of India was created by the framers of the Constitution as an independent constitutional authority. The intention of the Constitution makers that the superintendence, direction and control of elections shall vest in the Election Commission and the Commission in the performance of its functions shall be totally insulated from the control of the executive is evident from the statement of (the late) Dr. B.R. Ambedkar on 15.6.1949 in the Constituent Assembly while moving (the then so-numbered) Article 289 of the draft Constitution (which was ultimately adopted as Article 324 in

the final Constitution),

> "But the House affirmed without any kind of dissent that in the interests of purity and freedom of elections to the legislative bodies, it was of the utmost importance that they should be freed from any kind of interference from the executive of the day. In pursuance of the decision of the House, the Drafting Committee removed this question from the category of Fundamental Rights and put it in a separate part containing articles 289, 290 and so on. Therefore, so far as the fundamental question is concerned that the election machinery should be outside the control of the executive Government, there has been no dispute. What article 289 does is to carry out that part of the decision of the Constituent Assembly. It transfers the superintendence, direction and control of the preparation of the electoral rolls and of all elections to Parliament and the Legislatures of States to a body *outside the executive* (emphasis provided) to be called the Election Commission. That is the provision contained in sub-clause (1)."
> (Page 905, Vol. VIII, Constituent Assembly Debates)

14. The above sentiments of the Constituent Assembly were also echoed by several other Hon'ble members of that august Assembly. Excerpts of some of the observations which throw light on the intention of the framers of the Constitution are as follows:

Prof. Shibban Lal Saksena:

> ". . . The real purpose is that the fundamental right of adult franchise should not only be guaranteed by the Constitution but its proper exercise should also be guaranteed in practice. He (Dr. B.R. Ambedkar) has explained to us that he has tried to make the Election Commission *wholly independent of the Executive* (emphasis provided) and he therefore hopes that by this method the fundamental right to franchise of all the individuals shall not only be guaranteed but that it shall also be exercised in a proper manner so that the elected people will represent the true will of the people of the country."

Shri R.K. Shidhva:

> ". . . I do not think that there are two opinions either in this House or outside the House that elections should be fair, pure, honest and impartial. If that is the view, it could be achieved only by an impartial agency as has been contemplated in this article. We want the elections to be aboveboard. Any machinery that is to be set up should be quite independent, free from an influence from any agency, executive or any body. Therefore, Sir, I whole-heartedly welcome the article that has been proposed by my honourable Friend Dr. Ambedkar."

Mr. Naziruddin Ahmad:

> ". . . Election is most important in a democratic set-up and it is very necessary that it should be controlled and supervised by a very competent authority and impartial body."

Shri K.M. Munshi:

> ". . . Now, Sir, if that is so the sovereign people, and the Constituent Assembly as their agent, is bound to maintain the purity of elections in a practical manner. That can only be done by the establishment of the machinery envisaged in this amendment."

15. The pious intentions of the Constitution makers underlying the provisions of Article 324 of the Constitution have received further reaffirmation in several judgements of the highest judicial authorities namely the Supreme Court of India and various High Courts.

16. The Supreme Court has observed in the case of Mohinder Singh Gill and another vs Chief Election Commissioner and others (AIR 1978 SC 851) that:

> ". . . The Constitution contemplates a free and fair election and vests comprehensive responsibilities of superintendence, direction and control of the conduct of elections in the Elec-

> tion Commission. This responsibility may cover powers, duties and functions of many sorts, administrative or other, depending on the circumstances.
>
> . . . where . . . law is silent Article 324 is a vast reservoir of power to act for the avowed purpose of, not divorced from, pushing forward a free and fair election with expedition.
>
> . . . Article 324 is thus couched in wide terms . . . the framers of the Constitution took care to leave scope for exercise of residuary power by the Commission in its own right, as the creature of the Constitution in the infinite variety of situations that may emerge from time to time in such a large democracy as ours. Every contingency could not be foreseen or anticipated with precision. That is why there is no hedging in Article 324 . . . But where these (enacted laws) are absent and yet a situation has to be tackled the Chief Election Commissioner has not to fold his hands and pray to God for divine inspiration to enable him to exercise his functions and to perform his duties or to look to any external authority for the grant of powers to deal with the situation. He must lawfully exercise his power independently, and see that election process is completed properly, in a free and fair manner."

17. Since the Election Commission does not have a country-wide staff of its own and is dependent by and large on the assistance of staff, which is otherwise directly and in normal parlance responsible to the executive either at the Centre or in the States, for the conduct of elections, it has always been a tenuous question with the Election Commission since its inception as to how to insulate itself against the interference and influence of the executive, through the staff, and thereby maintain the purity of the election process. The Commission has all along made persistent efforts to secure and strengthen its immunity against contamination of the staff deployed for the conduct of election. The Parliament of India in its wisdom has only recently armed the Commission with the insertion of such provisions as section 13CC of the Representation of People Act 1950 and section 28A of the Representation of the People Act 1951 and specifically declared therein that all the officers deployed/

designated to carry out statutory election and election related work shall be deemed to be on deputation to the Election Commission when so employed and shall be subject to the superintendence, control and *discipline* (emphasis provided) of the Commission. In spite of this specific pronouncement of the law by Parliament the insidious designs of the executive have been hard to counter. In every election the number of "committed" civil servants with misplaced loyalties have proliferated. This order need not dilate on the increasing infringements of the Model Code of Conduct by the ruling political parties at the Centre and in States which are multiplying by geometric progression in every succeeding election. They are a subject of common knowledge. The Commission with due modesty can claim that it had to intervene directly on many occasions when it found that the purity of the electoral process was being sullied by "committed" and contaminated officers. It has taken steps to the chagrin of the executive in Centre and States to discipline the erring officials and to salvage the purity of the sacred process by which the people choose their representatives. It is, and should be, a matter of the gravest concern to the country as it has been to the Commission that the Central Government has deliberately issued instructions to the State Govts. in some cases not to cooperate with the Commission in its attempt to discipline such officials.

18. The bitterest example is the case of ten very senior and responsible officers of Tripura who publicly took part in electioneering meetings of some politicians of the ruling party and the Commission had to charge-sheet them. The cavalier fashion in which their gross violation of the civil service discipline was viewed and treated by the State Government is amply demonstrated by their exoneration of the charges of indiscipline by the State Government. It is the worst paradox in our country's history of political complicity that the party which complained to the Commission and adduced indisputable evidence against them and urged the Commission to take action against them, not only chose to let these officers go scot free but also challenged the authority of the Commission to take them to task after they themselves came to power. This curious change of heart is beyond the comprehension of the Commission except for reasons of gross political expediency.

19. In the circumstances the most indispensable instrument in

the hands of the Commission to ensure the pristine purity of the election process today is the power to secure the services of such staff as the Commission in its independent judgement considers fit and adequate to assist in the conduct of peaceful, free and fair election. This authority has been specifically vested in the Commission by Article 324(6) of the Constitution.

20. The question of making the necessary staff available to the Commission by the President and the Governors under Article 324(6) of the Constitution to enable the Commission to discharge its functions and duties under Article 324(1) has been the subject matter of protracted correspondence with the Government of India since September, 1992. The Commission had appointed certain officers of the Government of India as observers for the Presidential election held in July, 1992. The names of these officers had been made available by the Government itself. Some of these officers deliberately failed to perform their duties as observers either on their own or having been encouraged to do so by their superiors. The Commission called for the explanations of those defaulting officers. In the context of the memoranda issued to those officers by the Commission, the Cabinet Secretary to the Government of India wrote to the Election Commission in his D.O. letter dated the 25th September, 1992 *inter alia* that "due priority will always be given by the Government to sparing officers for election work. However, circumstances may arise occasionally when Government is unable to spare particular officers. The Departments of Government are being informed that whenever such even eventualities arise the Election Commisssion should be informed and alternative arrangements suggested in advance". The Commission, by D.O. letter dated 28th September, 1992 rejected this and reminded the Cabinet Secretary of the obligation of the Government under Article 324(6) of the Constitution and stated that there was no question of "due priority being given" to sparing officers for election work. If an officer whose services have been placed at the disposal of the Commission by the Government and he has been appointed on election duty by the Commission he becomes an officer of the Commission. If he is unable to perform his duties it is for him or for the Government to seek his exemption from the Commission and to offer replacements and that the Commission has acted with great alacrity in agreeing to such requests for exemptions and replace-

ments on sufficient reasons being shown. But the performance of election duties by the officers are not some kind of a voluntary job which they may or may not take up at their own will and that once a person was appointed as an officer of the Commission in accordance with the law he came under the disciplinary control of the Commission. The Commission desired the Government to confirm that the above position was clearly accepted by the Government and that the Commission would then treat the matter as closed.

21. As no satisfactory reply was forthcoming from the Government, the Commission proceeded to take disciplinary action against the errant officers and passed necessary orders against them. The Department of Personnel and Training was asked by the Commission to place copies of the orders passed by the Commission on the ACR dossiers of the officers concerned. The Commission was informed by the Deptt. of Personnel and Training vide their letter dated 5.3.1993 that the findings of the Chief Election Commissioner in relation to officers of the Central Govt. can be regarded as a preliminary inquiry and the concerned official may be asked to furnish his comments through the Head of the Deptt./Secretary to enable the Deptt. of Personnel to take a further view in the matter, and that the Central Govt. cannot take any action in relation to officers in the State Govts. because the State Govt. is their disciplinary authority. The State Govt. can be advised of the findings of the Chief Election Commissioner and it would be for them to take such action as they consider appropriate.

22. In reply to the said letter dated 5.3.1993 of the Deptt. of Personnel and Training, the Commission by its letter dated 15.3.1993 explained once again the correct constitutional and legal position to the Govt. and rejected the views of the Govt. as illegal and untenable. The Commission also informed the Govt. of its decision to take up the matter in an appropriate legal forum if the Govt. did not implement the orders of the Commission, after the expiry of 30 days from 15.3.1993. Simultaneously, the Commission also brought the matter to the personal notice of the Prime Minister through a demi-official letter from the Chief Election Commissioner.

23. The aforesaid communications dated 15.3.1993 of the Commission were followed up with the Cabinet Secretary to the Govt. of India vide d.o. letter dated 26.3.1993. In this letter, the true constitutional and legal position was reiterated and the Commis-

sion sought an unequivocal assurance of the Govt. to be made available to it by 15.4.1993 that the mandatory provisions of Article 324(6) of the Constitution and the orders issued by the Commission in pursuance of those mandatory provisions of the Constitution and the law would be obeyed by all concerned on whom the law makes it incumbent to do. The Commission also put the Govt. on notice that if it failed to provide an unqualified assurance within the stipulated period the Commission would totally stop all work relating to the preparation of electoral rolls or conduct of elections with which the Commission is concerned, in all the States and the Union territories of India.

24. The Cabinet Secretary in his reply dated 9.4.1993, referring to provisions of Article 324(6) of the Constitution, stated that "whereas the Election Commission is competent to make a request to the President or, as the case may be, to the Governor of a State, it is the President or Governor who is empowered to decide about the staff that may be necessary for the discharge of the Commission's functions". Adverting to section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951, the Cabinet Secretary added that the powers conferred on the Commission by those sections do not include the power to undertake disciplinary proceedings against Govt. officers deemed to be on deputation to the Election Commission under the said provisions.

25. The Commission, in its d.o. letter dated 16.4.1993, took pains to explain again at length the correct constitutional and legal position of the Commission's powers under Article 324(6) of the Constitution and section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951. The Commission also succinctly and elaborately brought out the intention of the Constitution makers in enacting the provisions of Article 324(6) of the Constitution and of Parliament in enacting the provisions of sections 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951. Disagreeing with the views of the Cabinet Secretary that it is the President or Governor who is empowered to decide about the staff that may be necessary for the discharge of the Commission's functions, the Commission pointed out that it is for the Commission alone to decide as to which staff is required for it to discharge its

functions and the President/Governor, when so requested by the Commission, are just simply bound by the Constitution to provide that staff to the Commission. The Commission also pointed out that under Article 324(6) of the Constitution, the Commission can, not merely ask the President/Governor generally to make available such staff as may be necessary, but also insist upon a particular officer or officers being made available to it by name, if so required, whom the Commission decides. The result otherwise would be that officers and staff who are committed or contaminated will be thrust upon the Commission and yet the Commission will be expected to conduct free and fair elections. It was also made clear that where the Government places the services of any officer asked for by the Commission at the disposal of the Commission and the Commission appoints him and entrusts him with election related work it is no longer open to the Government to substitute him or not to relieve him without the specific prior order of the Commission.

26. The Commission also rejected the contention of the Cabinet Secretary that the Commission had no disciplinary jurisdiction over the officers employed in connection with the preparation/revision of electoral rolls and conduct of elections, as totally untenable. The Commission firmly holds the view that the said officers are subject to the disciplinary jurisdiction of the Commission and the Commission alone. This aspect of the matter is however not proposed to be dilated upon in any greater detail in the present order. The Commission will pursue this issue separately.

27. The Commission by its aforesaid letter dated 16.4.1993 gave the Government yet another opportunity to provide an unequivocal assurance to the Commission that the constitutional and legal position in the matter of making the staff available without demur to the Commission and in the matter of exercise of disciplinary control over them by the Commission is totally accepted by the Government. The Commission again put the Government on notice that if such an unequivocal assurance was not received by the Commission by 5.5.1993, the Commission will be constrained to take all steps available to it including, but not restricted to, the total stoppage of all work relating to preparation of electoral rolls or conduct of elections in all or any of the States and Union Territories as have already been mentioned in the Commission's letter dated 26.3.1993. The Commission also made it unequivocally clear to the

Government that the responsibility for the creation of such a major constitutional and statutory crisis will be entirely due to the failure of the Government to work in accordance with the Constitution and the laws.

28. The Cabinet Secretary responded to the above letter dated 16.4.1993 of the Commission by his letter dated 5.5.1993, wherein he merely reiterated the stand taken by the Government in his earlier letter dated 9.4.1993.

29. Considering the intransigence of the Government at the highest bureaucratic level the Chief Election Commissioner considered it advisable to meet the Prime Minister and seek his interference to prevent the impending impasse. He met the Prime Minister on 7th May, 1993. It would be against the principles of propriety to place on record the discussions held with the Prime Minister but suffice to say that the Chief Election Commissioner was given the impression that the matter would be reviewed by Government and that a clear decision not inconsistent with the constitutional prerogatives of the Commission will be taken within a short period. The Commission desisted from taking any drastic measures to assert its Constitutional authority in the matter on this understanding and on the specific request of the Prime Minister in this regard. The Chief Election Commissioner reminded the Prime Minister on 14th May, 1993 and again on 14th June, 1993 to expedite the decision of his Government. The absolute taciturnity of the Government in this matter of fundamental importance is relentlessly pushing the Commission to seek judicial remedy and the Chief Election Commissioner has already informed the Prime Minister on the 16th/19th July, 1993 that the Commission intends to move a court of competent jurisdiction to make an authoritative pronouncement of the interpretation of the relevant provisions of the Constitution and the law. The Chief Election Commissioner again met the Prime Minister on the 21st July, 1993 between 16.00 and 16.50 hrs only to discuss this issue.

30. While the impasse on the interpretation of the Commission's power to secure the services of necessary staff stands unresolved due to the aforesaid procrastination in the Government of India, the Government of India has made an attempt to hoodwink the Commission in this issue of vital importance in the context of elections from 22-Palani Parliamentary Constituency and 34-Ranipet Assem-

bly Constituency in the State of Tamil Nadu poll for which was scheduled to be taken on 19.8.1993.

31. In performance of its duties and functions under article 324 of the Constitution for conducting the elections in a free and fair manner, the Election Commission has been requesting and directing the Government of India from time to time to take such measures as are considered appropriate and expedient by the Commission. One such measure is the deployment of Central Police forces in adequate numbers in those constituencies where the law and order situation is not conducive to the conduct of free and fair election and deployment of central police forces is, in the considered opinion of the Commission, absolutely necessary for the restoration of confidence of the public, candidates, political parties and the electorate. Such deployment of police forces for the conduct of peaceful, free and fair elections undoubtedly is within the province of the Commission. If there be any doubt, a reference to section 28A of the Representation of the People Act, 1951 would set such doubt at rest. That section specifically speaks about the police officers designated for the time being by the State Government for the conduct of elections being deemed on deputation to the Election Commission and subject to its control, superintendence and discipline, being part of the administrative machinery for the conduct of elections provided for in Part IV of the said Act.

32. In the context of the bye elections from 22-Palani Parliamentary Constituency and 34-Ranipet Assembly Constituency in the State of Tamil Nadu, the Commission received disturbing reports about the deteriorating law and order situation in the State of Tamil Nadu in the wake of a fast undertaken by the Chief Minister of Tamil Nadu on 18th July, 1993 which had resulted in violence and damage to government and public properties on an extensive scale and apprehensions were expressed that violence may not be contained by the State police in the present situation.

33. The Commission, after careful appreciation of all aspects of the situation on the basis of reports received by it from the Chief Electoral Officer, Tamil Nadu and other sources including newspaper reports, was convinced that the conduct of free and fair elections in the said 22-Palani Parliamentary Constituency and 34-Ranipet Constituency in the State of Tamil Nadu would be seriously jeopardised if the present law and order situation in the State in

general and more particularly in the aforesaid constituencies was not fully brought under control so as to create an atmosphere conducive to the holding of the free and fair elections.

34. The Commission in exercise of the powers conferred by Article 324 of the Constitution, particularly clause (6) thereof, and other powers enabling it in that behalf, requested and directed vide its order dated 27th July, 1993 that fully adequate central police forces shall be deployed by the Central Government in all polling areas in the said both the constituencies, as early as possible and that such deployment of central police forces shall be completed by 1500 hrs on 31st July, 1993, without waiting for any request from the State Government in this regard as the party in power in the State was unlikely to make such request for its partisan reasons.

35. The Commission further requested and directed that the State Government of Tamil Nadu shall make full and effective use of all such Central police forces provided by the Central Government and they shall be so widely and judiciously deployed as to ensure restoration of public confidence, to fully ensure the object underlying the deployment of such forces and to help creating an atmosphere conducive to the holding of free and fair elections in both the constituencies.

36. The Commission further directed that both the Central Government and the State Government shall send their compliance reports latest by 1500 hrs on 1.8.1993 without fail.

37. In the meanwhile the Government of India in the Ministry of Home Affairs vide their letter No. III-11040/1/93-G&Q dated 29th July, 1993, without alluding to the aforesaid request and direction of the Commission, have communicated the views of the Ministry of Law as follows:

> "The scope of article 324(6) of the Constitution was examined recently by the Department of Legal Affairs. They had also sought the opinion of the learned Attorney General. The sum and substance of the legal opinion was that the Commission has no power to issue a direction, but only can make a request as opposed to direction under article 324(1). Once a request has been made under article 324(6) a duty is cast on the Government to make available such staff as may be necessary. In this context, it has also been opined that the

Election Commission is not final arbiter as to the staff that may be necessary because the President also has the power to take a decision whether the Election Commission's request is reasonable."

38. The Govt. of India by the same letter have also communicated the opinion of the Attorney General of India as follows:

> *"Question.*
>
> Are the Central Government and the State Governments accountable to the Election Commission in regard to their duties under article 324(6) of the Constitution and is the Election Commission empowered to issue orders or directions to them for compliance?
>
> *Answer.*
>
> (3) The Election Commission is not entitled to issue orders or directions for compliance to the Central or State Government under cover of the provisions of Article 324(6) which only speaks of providing such staff as may be necessary for the discharge of the functions under Article 324(1). It is expected that constitutional authority like the State and the Election Commission, will act in a spirit of cooperation and there should be no divergence of opinion as to what staff is necessary for the discharge of functions. If it comes to a dispute, it is really ultimately for the Governor or the President to determine the quantum of staff necessary and to arrange for their deputation, etc."

39. While the opinion of the Ministry of Law is dated 26.5.93 and the opinion of the Attorney General enclosed thereto, though undated, is obviously even earlier than that of the Ministry of Law, the Ministry of Home Affairs has suddenly woken up after a lapse of two months on 29th July, 1993, and has considered it fit to forward it to the Commission in a routine and unobtrusive manner, without making any reference whatsoever to the Commission's aforesaid order of just two days. By any norms of administrative behaviour, this is a clever attempt to sidetrack an important order.

The whole episode is aimed at trying to establish that the Commission has no such authority as expressly provided in Article 324(6) of the Constitution.

40. What is more painful is the fact that this misconduct of the Government of India has been committed in close connivance with the State Government of Tamil Nadu. The Commission has on 31.7.93 at 15.10 hours received the following FAX message from the Chief Secretary of Tamil Nadu:

> "Regarding bye elections to 22-Palani Parliamentary Constituency and 34-Ranipet Assembly Constituency in Tamil Nadu to be held on 19.8.93 (.) Based upon the State Government's message Number 81991/pol IX/93-1, dated 28th July, 1993 the Home Ministry, New Delhi has allotted seven (7) companies of Central Reserve Police Force from Bangalore and Delhi (.) Three companies of CRPF namely A, B, and C, Companies of 116 Battalion under the Deputy Commandant Sri Muni Lal Roy arrived at Coimbatore at 8.45 hrs on 31.7.1993 by Island Express from Bangalore (.) One company of Central Reserve Police force "F" Company of the 36th Bn of CRPF arrived at Madras at 0900 hrs on 31.7.1993 by Tamil Nadu Express (.) Two Companies namely "E" and "F" Companies of 116 Bn are expected to arrive at Madras by Jammu Thavi Express at 12.30 hrs on 1.8.1993. The above Companies will be deployed for bye elections duties in the two constituencies (.) This is for your kind information (.)"

41. The above message of the Tamil Nadu Government also makes no reference, whatsoever, to the Commission's above-mentioned request and direction dated 27.7.1993. The obvious intention seems to be to give an impression as if the deployment of the Central forces in the above constituencies has been suggested by the State Govt. of Tamil Nadu *suo motu.* The Commission is intrigued by this physical arrival of Central police forces within three days of a message by a State Government. The Commission is "impressed" by the way the deployment has been made to coincide with the deadline fixed by the Commission in its aforesaid order in para 34. The Commission is equally "impressed" with the fact that while in the daily law and order report the State Government is

reporting a situation of total peace, it has taken "anticipatory" measures to requisition the help of Central forces. There is, interestingly, no mention of the requisition of central police forces in the daily law and order reports of CEO Tamil Nadu dated 28th/29th/30th or 31st of July, 1993. The Commission is also "impressed" that the State Government has sent this information to the Commission on its own when in normal circumstances, and if the Commission had not passed the aforesaid order, the State was under no obligation to keep the Commission updated on this subject. Any objective observer can draw the inevitable conclusion that the whole set of activities has apparently been staged by the State and the Central Governments to prove to the Commission that it is not the Commission but the State Government and the Central Government alone which have the authority in the matter of deploying the required staff.

42. This manner and timing of forwarding the opinion of the Ministry of Law on a subject of long standing correspondence and debate between the Government and the Commission at the highest level on both sides, has left the Commission in no doubt that the Government of India is clearly and blatantly challenging the prerogative of the Commission under Article 324(6).

43. If there was some doubt on the intentions of the Govt. of India about the manner and timing of the Ministry of Home Affairs letter dated 29.7.93, that has now been fully dispelled by that Ministry's letter No.III-11040/1/93-G&Q dated 1.8.93 received on that day at about 11.00 hrs by one of the Secretaries to the Commission at his residence. That letter speaks for itself and is reproduced below in full:

> "This has reference to Election Commission's letter No. 100/TH-HP/bye/92-1 dated 27th July, 1993, received at 8.30 P.M. on that day . . .
>
> 2. Reference is invited to this Ministry's communication No. III-11040/1/93-G&Q dated 29th July, 1993.
>
> 3. Article 324(6) of the Constitution, which is the basis of Election Commission's direction, does not speak in terms of providing paramilitary or other forces for the maintenance of law and order in a State or to assist the State in maintaining law and order in the absence of a demand for such forces from

the State Govt. The law and order is a State subject (entry 1, List II).

4. The Tamil Nadu State Govt. had asked for the deployment of 7 Coys. of CRPF for law and order duty during the bye-elections to the Constituencies cited in subject. Accordingly, 7 Coys. of CRPF have been despatched to Tamil Nadu."

44. The challenge in the above letter set forth by the Ministry of Home Affairs to the Commission's authority and prerogative to ask for the deployment of the staff under Article 324(6) of the Constitution is now open and total. Hardly anything has been left unsaid in that letter as regards the stand of the Govt. of India in the matter. *This challenge is fraught with the most perilous consequences for the future of democratic elections in India and the open attempt to subjugate the Election Commission under the executive, if allowed to go unchallenged will destroy the very roots of India's democracy. The Constitutional position of the Election Commission will be nullified, rendering it incapable of performing its fundamental functions of securing the services of the staff required for conducting a fair and free election.*

45. It is of course true that the maintenance of law and order is the basic responsibility of the State Govt. But to say that the State Govt. is or will be the sole arbiter as to the requirements of police forces for the maintenance of law and order at the time of elections and in the constituencies and areas going to the polls is nothing but a travesty of the entire philosophy of the electoral process enshrined in the Constitution. Such a view will reduce the Commission, a Constitutional authority charged with the sacred responsibility of holding free and fair elections, to the position of a mute, nay blind servant of the executive whose role will be only to conduct a ritual and farcical exercise. Free and fair elections, which are the cornerstone of democracy postulate a proper law and order situation and peaceful atmosphere in which the political parties and candidates can carry out their election campaigns on an equal footing, unhindered, unintimidated and without disruption; the electors can confidently and fearlessly come out on the day of poll to go to the polling stations without apprehensions of any kind of risk to their person and property; and the election officials are free to perform their functions truly impartially. To ensure all this is undoubtedly

and unmistakably the duty and responsibility of the Election Commission. In the discharge of such duty and responsibility the Commission is duty bound to monitor regularly and constantly the law and order situation in the State generally and in the constituencies and areas going to the polls particularly. Nothing can be more lucid on this point than what the Supreme Court has said on such duty and responsibility of the Commission in the case of Election Commission of India vs the State of Haryana (AIR 1984 SC 1406):

> "We must add that it would be open to the Chief Election Commissioner, as held in Mohd. Yunus Saleem vs. Shiv Kumar Shastri, (1974) 3 SCR 738, 743-744: (AIR 1974 SC 1218 at pp. 1221-1222) to review his decision as to the expediency of holding the poll on the notified date. In fact, not only would it be open to him to reconsider his decision to hold the poll as notified it is plainly his duty and obligation to keep the situation under constant scrutiny so as to adjust the decision to the realities of the situation. All the facts and circumstances, past and present, which bear upon the question of the advisability of holding the poll on the notified date have to be taken into account and kept under vigil. That is a continuing process which can only cease after the poll is held. Until then, the Election Commission has the locus, for good reasons, to alter its decision. *The law and order situation in the State, or in any part of it, or in a neighbouring State is a consideration of vital importance for deciding the question of expediency or possibility of holding an election at any particular point of time* (emphasis provided)".

46. This is the precise reason why the Commission obtains, and the State Govt. furnishes, through the Chief Electoral Officer a daily law and order situation report as soon as an election is notified. In such an appraisal of the law and order situation, if the Commission considers that the atmosphere is not conducive to the holding of peaceful, free and fair election, is not the Commission obliged and empowered under the Constitution to take such effective and remedial measures as may bring about an improvement in the law and order situation and create conditions conducive to the holding of peaceful, free and fair election? The Commission definitely is. And

there can be no two opinions on this. The deployment of additional police forces whether they belong to the Central or the State Govt. will be the first and foremost step essentially required to be taken and the Commission will be, and is, fully empowered to make such stipulation under Articles 324(1) and 324(6) of the Constitution. Any other view will be disastrous for the future of democracy in our country—"an oasis of democracy" as described by the Supreme Court in AKM Hassan Uzman and Others vs Union of India and others (1982.2.SCC 218).

47. The monitoring of the law and order situation and the taking of effective and remedial steps by the Commission is an integral part of its duty and responsibility from yet another angle. Instances are not wanting where police forces deployed in the constituencies have acted in a totally partisan manner. The cases of misuse, abuse and disuse of the State police in order to serve the political interests of the ruling party in a State have become all too common to be ignored any further. If the Govt. of India have forgotten cases like the bye elections of Garhwal in 1980-82 and Meham in 1990 and such other instances which speak of the complicity of the State police and underline the responsibility so faithfully discharged by the Election Commission in the not too distant past, the Commission can enlist them and elaborate them for their benefit.

48. The view taken by the Govt. of India that Article 324(6) of the Constitution does not speak in terms of providing paramilitary or other forces for the maintenance of law and order is narrow and pedantic and is totally untenable and unacceptable. As has been already stated in para 31 above the deployment of police forces for the conduct of elections comes within the province of the Election Commission. At the cost of repetition it must again be pointed out that section 28A of the Representation of the People Act 1951, specifically makes the police officers designated for the time being by the State Govt. for the conduct of elections as a part of the administrative machinery provided in Part IV of that Act. The Commission can, and certainly without an iota of doubt, ask for the augmentation of the administrative machinery including the forces of law and order for the conduct of elections, irrespective of whether such machinery consists of civil officers or police officers. The above view of the Govt. is thus only to be stated to be summarily rejected.

49. The Commission has once again given the most considered thought on the views of the Govt. of India and the opinion of the Attorney General of India referred to in paras 37 and 38 above.

50. The Commission is of the considered opinion that the above view of the Central Govt. and the opinion of the Attorney General of India are quite erroneous and fallacious and are in direct conflict with the letter and spirit of the Constitution as that would have the inevitable effect of divesting the Commission of the powers of superintendence, direction and control so integral to the conduct of elections which have been expressly conferred by the Constitution on the Election Commission and instead vest such powers in the executive governments at the Centre and the States. The Commission rejects the same unequivocally.

51. The above view of the Central Government and the opinion of the Attorney General of India also militate against pronouncements of the Supreme Court of India which have the force of law under Article 141 of the Constitution.

52. It is an irony of fact that the Commission's request and direction to deploy central police forces in the abovementioned two Constituencies in the State of Tamil Nadu was issued after taking into consideration, *inter alia* the demand of Members of Parliament, most of whom belong to the very party which runs the executive Government at the Centre, and which demand was also supported by the leader of the Legislature Group of that very party in the Tamil Nadu Legislative Assembly. The Government of that very party at the Centre is now telling the Commission that it has no authority to make such a request and direction!

53. The statement of Dr. Ambedkar quoted in para 13 above should leave no one in any manner of doubt that it is solely for the Election Commission to decide as to which staff is required by it for discharge of the functions conferred on it by clause (1) of Article 324, and the President or the Governor, which would mean the Central Government or the State Government, cannot decide for the Election Commission as to which staff is required by the Election Commission and if that be so, the work of the Election Commission to prepare the electoral rolls and conduct of elections will be virtually usurped by the Central and State Governments which was never the intention of the founding fathers of the Constitution.

54. It is evident from the above narration that a stage has been reached in which the Commission, instead of being enabled to discharge its Constitutional obligations, duties and functions of fulfilling the aspirations of the people to elect their representatives through peaceful, free and fair elections, is being deliberately and consciously prevented and incapacitated from so doing, by open defiance by the Government of India of the provisions of the Constitution of India and of laws made by Parliament.

55. In the above circumstances it is absolutely imperative that the Constitutional position of the Commission, particularly in regard to its constitutional prerogative of securing the assistance of necessary staff is unequivocally and clearly accepted by the Government of India.

56. Accordingly, till such time as the present deadlock, which is solely the making of the Government of India, is resolved, the Commission does not find itself in a position to carry out its constitutional obligations in the manner envisaged by the makers of the Constitution, and has accordingly decided that all and every elections under its control, including biennial and bye elections to the Council of States, bye elections to the State Legislative Councils, bye elections to the House of the People and bye elections to the State Legislative Assemblies, as have been announced or notified or are in progress, shall remain postponed until further orders.

57. Consequential notifications, wherever necessary, in respect of the elections are being issued separately.

58. Notifications scheduled to be issued on 3.8.1993 in respect of the bye elections with polls on 4.9.93, shall not issue.

59. Nor shall the Commission take any action to hold any elections for which it has authority and responsibility until the Govt. of India accepts and announces its willingness in unequivocal language to abide by the provisions of the Constitution and the law relating to Elections, and the entire work will be resumed as soon as the Govt. of India communicates the same.

Issued at New Delhi at 10.00 hrs this the Second day of August, 1993.

Sd/-
(T.N. SESHAN)
File No. 100/TN-HP/1/92 Chief Election Commissioner of India

Appendix 2

Maladies of Election Management in India

The Election Commission has listed out 150 malpractices in Indian elections in an effort to curb them stage by stage. The list is as follows:

Preparation of Electoral Rolls

1. Inadequate publicity of rolls revision programme.
2. Voters' apathy at the time of registration.
3. Exclusion of working voters not found at home.
4. Apathy of political parties.
5. Partisan role of enumerators and supervisors.
6. Mushrooming of JJ Colonies on the eve of enumeration and elections.
7. Fictitious enumeration.
8. Inclusion of ineligible names.
9. Exclusion of eligible electors.
10. Large scale omission of localities.
11. Foreign nationals.
12. Minors as electors.
13. Non-resident electors.
14. Inclusion of dead electors.
15. Incorrect particulars of electors.

16. Duplicate registration.
17. Difficult accessibility of Competent Officers.
18. Non-publication of draft rolls in polling stations.
19. Non-availability of forms for claims and objections.
20. Unhelpful attitude of officers responsible for registration of electors.
21. Unreliable Citizenship documents.
22. Insistence on production of unnecessary documents.
23. Slipshod disposal of claims and objections.
24. Difficult accessibility of appellate officers.
25. Manipulative overlapping of PS and Ac areas.
26. Duplicate registration in disputed areas.
27. Faulty updating of Last part of rolls.

Setting up of Polling Stations

28. Clubbing of weaker sections with others.
29. Location of PSs for weaker sections in areas inhabited by influential sections.
30. Location of polling stations at distance beyond prescription.
31. Natural barriers across polling areas.
32. Housing polling stations in private buildings.
33. Inconvenient buildings of PSs.
34. Too many polling stations in the same building.
35. Last minute changes in polling stations.
36. Proximity of PSs to political offices.
37. Temporary structures leading to vitiation.

Maladies before Election Announcement

38. Transfers of inconvenient ROs/DEOs.
39. Transfers of middle level officials and posting of pliable officers on key positions.
40. Inauguration of new schemes, projects etc.
41. Deliberate delay in inauguration of completed projects to synchronise with elections.

Programming of Elections

42. Staggering due to shortage of police forces.
43. Phasing of poll in manageable states.

Nominations, Scrutiny and Withdrawals

44. Dummy candidates.
45. Prevention of nomination of weak candidates.
46. Bribery and horse-trading.
47. Hesitation of good persons to join the fray.
48. Caste/community based selection of candidates.
49. Nomination of party candidates on death bed with a view to have the election countermanded.
50. Nominations with forged signatures of proposers.
51. Multiple nomination from more than one constituency.

The Period of Electioneering

52. Ostentatious and wasteful election expenses. Expensive cut-outs.
53. Non-accounting of expenditure of political parties.
54. Misuse of personal security staff.
55. Intimidation of voters.
56. Intimidation of candidates.
57. Intimidation of political parties.
58. Assaults on offices of political parties.
59. Mobilisation of musclemen.
60. Disturbance of public meetings.
61. Disturbance of political processions.
62. Defacement of party posters, arches etc.
63. Unauthenticated posters.
64. Communal and caste based electioneering.
65. VIP visits on so called official business.
66. Misuse of Govt. rest houses as election offices.
67. Processions through sensitive areas.
68. Indiscriminate use of loudspeakers.
69. Defacement of public and private property.
70. Misuse of electronic equipment and uncensored material.
71. Misuse of State and private aircrafts.

Day of Poll

72. Inducement to polling staff.
73. Forcible booth capturing.
74. Silent booth capturing.

75. Booth jamming.
76. Tasmanian dodge.
77. Immobilisation of Police forces.
78. Immobilisation of Central forces.
79. Misuse of vehicles.
80. Transportation of voters.
81. Impersonation.
82. Misuse of media for electioneering.
83. Breach of peace to reduce turnout.
84. Misuse of law and order machinery.
85. Misuse of illicit arms and ammunition.
86. Misuse of licenced weapons.
87. Ministers as polling agents.
88. Faulty maintenance of POs diaries.
89. Faulty maintenance of ballot paper account.

Repoll and Adjourned Poll

90. Biased recommendations for repoll.
91. Reuse of missing ballot papers for repoll.
92. Diluted law and order arrangement for repoll.
93. Absence of Observers to oversee repoll.

Counting of Votes

94. Wrongful/biased rejection of votes.
95. Wrongful/biased acceptance of votes. Bundling with incorrect numerical totals.
96. Manipulated entries in the result sheet.
97. Last minute appointment of counting agents.
98. Ministers as counting agents.
99. Misuse of agents of dummy candidates.
100. Crowding of counting centres.
101. Incomplete disposal of representations.
102. Violation of Section 66 of RP Act.

Election Petitions

103. Delayed disposal.
104. No remedy for malpractices of the defeated.
105. Tyranny of procedure.

106. Non-inclusion of ECI as a party.

Storage and Preservation of Polled Materials and Records

107. Destruction of essential records.
108. Non-scientific storage of polled material.

Post-Election Maladies

109. Victimisation of forthright officers.
110. Non-prosecution of cases of electoral offences.
111. Past election reprisals against voters and areas.

Manipulative Tactics of the Ruling Party

112. Contaminated Roll Revision staff.
113. Elimination of non-supportive voters.
114. Non-judicious location of the polling stations.
115. Transfer of inconvenient ROs.
116. Misuse of police officers.
117. Grant of parole to favourite musclemen.
118. Detention of known supporters of opponents.
119. Immobilisation of the central police forces.
120. Misuse of official vehicles in electioneering.
121. Misuse of officials in electioneering.
122. Committed officials as polling personnel.
123. Announcements of concessions to govt. servants.
124. Misuse of official meetings in the constituency.
125. Misuse of official rest house for electioneering.
126. Grants out of discretionary funds.
127. Misuse of enforcement machinery.
128. Immobilisation of Commission's Observers.
129. Misuse of state owned media.
130. Misuse of the infrastructure of public sector.
131. Visits and public meetings of VIPs and VVIPs.
132. Misuse of personal-official staff of Ministers.
133. Publicity of achievements of ruling party.
134. Dodge of bye-elections due to law and order.
135. Misuse of President's Rule.

Miscellaneous

136. Inadequate training of polling staff.
137. Lack of knowledge of election rules among contestants and supporters.

Structural Weaknesses in Election Management

138. Appointment of the CEC by the President on the recommendation of the political executive.
139. Appointment of other Election Commissioners by the President on the advice of the political executive without the constitutional protection about removability.
140. Appointment of the Deputy Election Commissioners against cadre posts out of the serving bureaucrats.
141. Absence of any independent secretariat of the Commission with independent service rules.
142. Commission's officials subjected to UPSC, CAT, Vigilance Commission and such like institutions governing the Servants of the Union.
143. Voted budget of the Commission.
144. Skeleton manpower with the Election Commission.
145. Divided loyalty of the Chief Electoral Officer.
146. Divided loyalty of the Returning Officer.
147. Divided loyalty of the law and order machinery.
148. Privileged position of the party in power.
149. Fragile law to control the role of money power.
150. Fragile law to punish the electoral offenders.

Index

Abdullah, Sheikh, 99
Advani, L.K., 14, 109, 145, 162, 201
Agastya, Sage, 29
AIADMK, 201, 228
Ali, Salim, 128
Alva, Margaret, 204
Ambanis, 227
Ambedkar, B.R., 196
Amendment, 240
Annadurai, C.N., 85, 121
Anti-Hindi agitation, 86, 91
Assam, 165
Assembly elections, 219
Astrology, 54, 227
Atomic Energy Commission, 120, 122
Attorney General, 202
Aurora, J.S., 167
Ayodhya, 219
Azad, Ghulam Nabi, 234

BJP, 145
Bagga, D.S., 170, 194, 209
Banerjee, Milon, 202
Bangalore, 6, 38
Basavangudi, 151
Bastar, 129
Basu, Jyoti, 200
Beckett, Samuel, 187
Bhabha, Homi, 107
Bhagawad Gita, 26
Bhaktavalsalam, M., 85, 89
Bhardwaj, H.R., 201, 229, 236, 245, 247, 248, 249
Bharat Bandh, 25
Bhargava, G.S., 111
Bhargava Raj, 158, 165
Bharucha, S.P., 224
Bhondsi, 14
Bhubaneswar, 223
Bhumbla, D.R., 126
Bikaner House, 32
Birth, 66
Birthday, 186
Biscuit, 42
Bluntness, 40
Bofors, 25, 44
Bommai, S.R., 229
Border Security Force, 193
Bosnia, 223
Bihar, 168
Bully, 115
Burman, Dasvath Deb, 169
Business Standard, 226

Cabinet Secretary, 20, 22, 184
Calcutta, 42
Cambridge, 188
Canada, 39
Central Intelligence Agency, 86
Chandraswamy, 230
Chatterjee, Somnath, 200
Chaturvedi, T.N., 45

Chawla, Prabhu, 159
Chidamabaram, P., 35
Chief Election Commissioner, 1, 3, 4, 7, 11, 12, 15
China, 175
Chocolates, fond of, 9
Civil rights (Madurai), 89
Coimbatore, 74
Commonwealth Conference, 189
Communist Party of India (Marxist), 169
Congress, Defeat in 1989 elections, 26
Constitution, 174, 194, 225, 235, 270
Corruption, 240
Crowd puller, 218

Dayal, Yogeshwar, 217
Deb, Santosh Mohan, 169
Defence Secretary, 23
Delhi Police Lines, 76
Deshmukh, B.G., 12, 20, 41, 124
Devi Lal, 14
Dey, S.K., 93
Dhanoa, S.S., 213
Dharmarajan, K., 175-76
Dhawan, R.K., 158, 229, 235
Dinidgul, 54, 76
District Collector, 37
District Magistrate, 90
Dixit, J.N., 188
Dutta, Amal, 45

Education, 63, 66-68
Election Commission, 203, 208, 221, 232, 238, 241, 246, 249
Election expenses, 140, 241, 250
Electronic gadgets, 5
Emergency, 122
Environment Secretary, 124

Fairfax, 21
Fatima Beevi, 113
Food, 64, 70
Food shortage in Tamil Nadu, 80
Forest Secretary, 39
Free Press Journal, 167
Freedom Run, 42
Functions, 233

Gadgil, V.N., 220, 225, 226, 233
Gandhi, Indira, 56, 122, 139
Gandhi Jayanti, 32, 210
Gandhi, Priyanka, 158
Gandhi, Rahul, 158
Gandhi, Rajiv, 7-8, 32-34, 51, 52, 53, 128, 140, 151, 156, 188, 213, 227, 230
Gandhi Samadhi, 32
Gandhi, Sonia, 156
Ganga Das, 177
General election: First, 74
Gill, M.S., 138, 167, 208, 244, 246
Gods and deities, 134
Godse, Nathuram, 33
Gooptu, Nar Narayan, 200
Gopalaswamy, R.A., 77
Gorbachev, Mikhail, 124
Goswami, Dinesh, 233
Guhan, S., 118
Gujral, I.K., 167, 229
Guruvayur, 50, 52, 83, 232, 243
Gupta, Indrajit, 247

HDW, 44
Harvard, 120
Haryana, 239
Hegde, Ramakrishna, 19, 151
Henry, Mrs., 96
Horse riding, 75
Hymns
    Adityahridayam Lalitasahasranamam, 28-29

IAS, 73
IIPA, 223
Identity Cards, 239
Impeachment motion, 110
Independence Day, 42

India Gate, 143
Indian Express, 137, 190, 191
Indo-Pak relations, 27
Intelligence Bureau, 41

Jain, L.C., 29
Jaitley, Arun, 149
Jamadagni, 72
Janata Dal, 13, 167, 247
Janata Party, 122
Japanese delegation, 116
Jayalakshmi, 2, 3, 29, 55, 120, 156, 207
Jayalalitha, 154, 228
Jayaraman, Lalgudi, 2
Joseph, R.C., 73
Journalists, 109

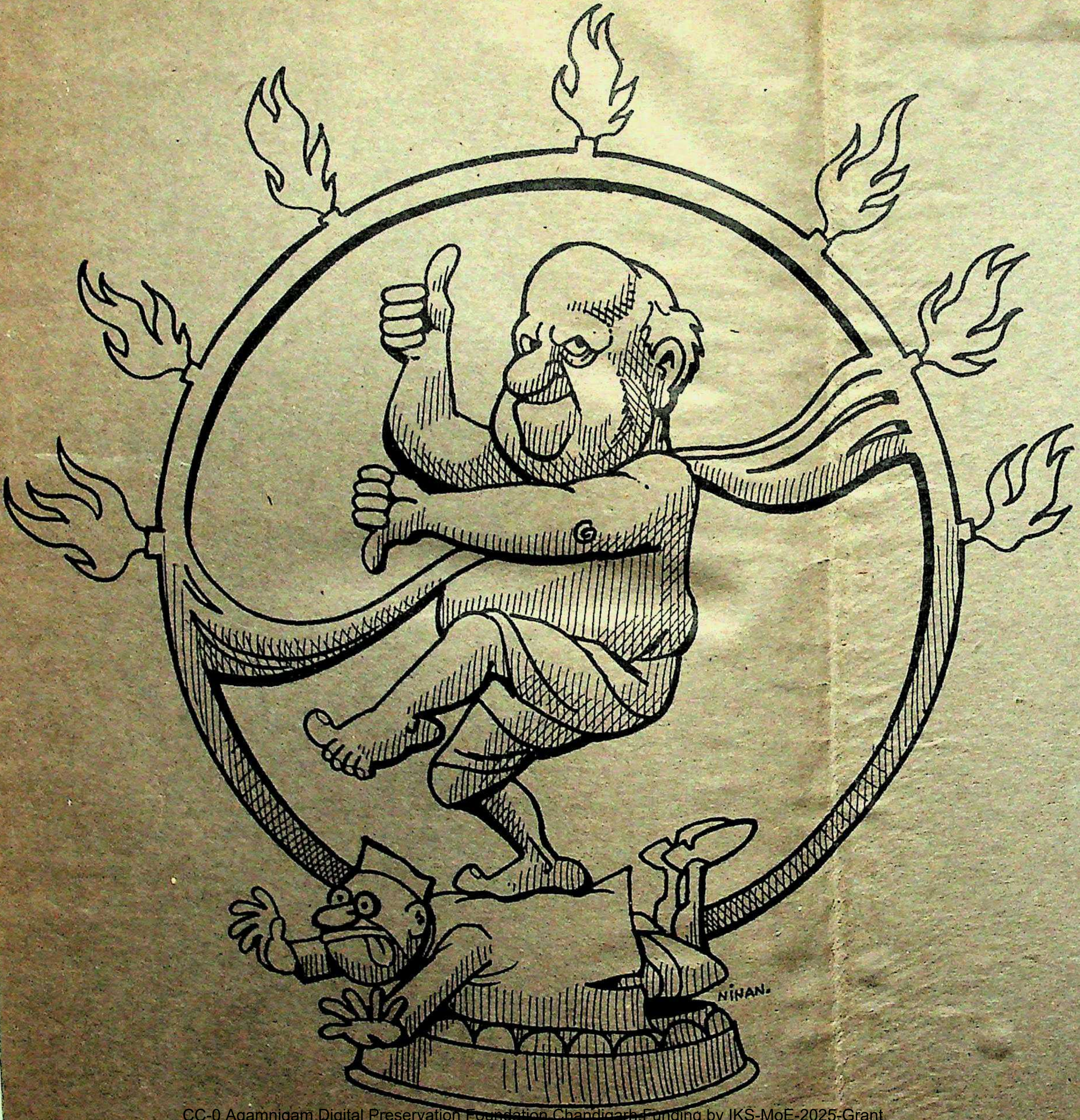
Kalyanakrishnan, 130
Kamakoti, 11
Kamaraj, K., 76
Kambam, 93
Kanchi, 52
Kanchi Kamakoti Peetham, 193
Karthikeyan, 117, 119
Kaul, Gautam, 36
Kayamkulam thermal project, 129
Khan, Amjad Ali, 2
Khan, Kanwar Mahmood Ali, 221
Khandekar, 172, 193
Kodai, Lake, 96
Kolandaivelu, 115, 121
Kothari, Rajani, 29
Kovil, Shivan, 11
Krishna, 83
Krishnagiri, 78
Krishnamurthy, G.V.G., 20, 138, 244, 246
Krishnan, R.S., 10
Krishnan, T.N., 38
Krishnaswamy, P.B., 30, 153
Kumaramangalam, R., 204
Kurnool, 222
Kutty, K.P.G., 179

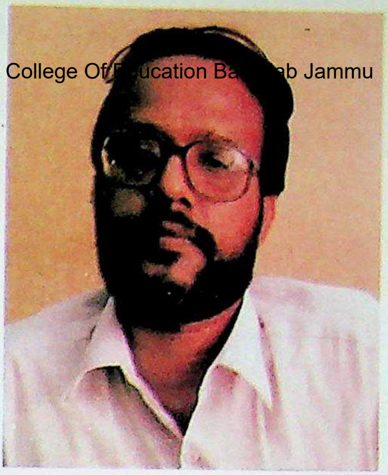
LTTE, 163
Lakshminarayanan, T.N., 10, 78
Lal, Bhajan, 131
Latur, 211
Laughing Waters, 96
Lawyer, 61
Lok Sabha, 52, 157, 233, 235, 247

Madras, 5
Madras High Court, 154
Madurai, 37, 83, 84, 227
Malhotra, O.P., 165
Maradona, 224
Marriage, 56
Meenakshi temple, 83
Mehta, Balwant Rai, 93
Mehta, Harshad, 187
Mendiratta, S.K., 143, 170
Menon, Achutha, 225
Menon, M.G.K., 234
Mohan Das, 180, 195
Mohan, S., 204
Mukherjee, N.K., 122
Mukherjee, Pranab, 186, 190, 201
Murari, P., 157
Murthy, K.S.R., 176, 178
Music, 38
Mylapore, 228

Nachiketa, 244
Naha, Ayukkaderkutty, 130
Nallamuthu, 79
Namboodiri, 50
Narayanan, P.G., 201
Naresh Chandra, 158
Nariman, Fali, 199
Narmada, 128
National Front Govt., 213
National Security Guard, 144
Nehru, Arun, 35
Nehru, Jawahar Lal, 86
Nirvachan Sadan, 112, 113, 133, 134, 138, 145, 208, 214, 245

Office of profit, 152


G
NINAN.



K Govindan Kutty has been a newsman for twenty years. He brings to bear on what he writes a soft cynicism grown through years of watching the little games big people play to win power. A persuasive journalist, Govindan Kutty has struck a rapport with T N Seshan who is usually regarded as a difficult person.

Govindan Kutty is currently Senior Editor, *Financial Express*, New Delhi. He has written two other books: *Vararuchi's Children: Aspects of Kerala* and *K Karunakaran: A Political Biography*.

Cover design: Dushyant Parasher
Cover photo: Hemant Mehta

ISBN 81-220-0391-5

9 788122 003918

. . . There was a glow of victory on his face. He had won a battle without fighting it. He could have well lost it. A smile was on his lips when a leader from Andhra Pradesh came for a light hearted banter . . . . The leader had bought his way to Parliament. The expenses, he mentally estimated, would have come to Rs 8.5 crore. He thought nothing of it.

Seshan did . . . . When the leader lifted his bosom from the saffron sofa and rolled out through the drawing room doors, folding his hands in a gesture of absolute humility, Seshan had on his lips that great national motto: satyameva jayate.

KONARK PUBLISHERS PVT LTD